



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic suite, Parkside

1 December 2011

PRESENT:

P.M. Chandler (Chair)
P. Baguley, G.E. Botterill, P. Cumbers, J. Douglas
M. Gordon, J Illingworth, T. Moncrieff
J. Moulding, J. Simpson and J. Wyatt

Head of Regulatory Services
Applications and Advice Managers (JW)
Solicitor to the Council (SK), Planning Policy Officer (PG)
Administrative Assistant (JB), Observer (WB).

D49. APOLOGIES FOR ABSENCE

Cllr Cumbers

D50. MINUTES

(a) D39. SCHEDULE OF APPLICATIONS

Cllr Moncrieff noted that pg 8, second sentence from end needs amending include word "conditional" on the meeting's minutes dated 10 November. Cllr Moncrieff proposed the approval of the minutes of the previous meeting, seconded by Cllr Baguley.

(b) subject to (a) above the Minutes of the Meeting held on 10 November were approved and authorised to be signed by the Chairman.

D51. DECLARATIONS OF INTEREST

None

RESOLVED that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the reports.

D52. SCHEDULE OF APPLICATIONS

(1) **Reference:** 11/00730/FUL
Applicant: FA Gates and Sons Ltd
Location: Gates Nursery and Garden Centre Somerby Road, Cold Overton
Proposal: Extension to existing store building.

(a) The Applications and Advice Manager (JW) stated that:

This application seeks planning permission for the extension of an existing building for additional storage space for products sold at the garden centre. The building forms part of Gates Nursery and lies within the designated open countryside.

Since publication of the report additional comments have been received in connection with the comments submitted by the Parish Council. Comments have been submitted stating that the Parish Council comments refer to weekend noise and that the assumption that the noise is only at weekends is incorrect, noise is every day, seven days a week. With regards to the condition suggested by the Parish Council this only relates to weekends and as this is a misunderstanding as noise is everyday this is invalid. They wish to object as the doubling of the warehouse will lead to a doubling in noise. The warehouse should be relocated to the interior of the retail centre so noise is contained within the building. Until this is done the warehouse movements should be restricted to Monday to Saturday up until 12:00 noon.

In response to this the application relates to the extension of an existing store. If conditions were placed on restricting use and movement it would only relate to the extension itself and not the whole site or in fact the existing store. It is not considered that the development would increase movements and it would be unreasonable to impose a condition of this nature. The proposal is considered to improve movement within the site and locate all the storage in one place, improving vehicular/pedestrian movement and public safety.

The proposed extension to the storage shed lies within the open countryside. It has been designed to be in keeping with the existing store and is positioned to the rear of the existing building, there is suitable screening and landscaping so as not to impact on the open countryside. The extension is considered to be sufficient distance from neighbouring properties so as not to unduly harm.

Accordingly the proposal is recommended for approval as set out in the report.

(b) Richard Bates, an objector, was invited to speak and stated that:

- He had been resident in Cold Overton for 20 years
- He is concerned about the increasing number of buildings on site and therefore the size of the site
- Sheer number of applications relating to the site are confusing
- Noise from the site affects the wider area, the use of trucks with the reversing beeps are particularly invasive
- Use of warehouse trucks outside the site happens too
- Asks that warehouse be more centrally located rather than on the outskirts where it can be heard.

(c) Maurice Fairhurst, agent for the applicant, was invited to speak and stated that:

- The Nursery is a popular business, employs many people, extension will aid ease of movements around the site and improve safety for those employees and visitors
- The extension is at the back of the site and will be hidden from public view
- The access will be improved as part of this application
- Accords with the relevant policy
- The objections do not amount to a reason of refusal

The Chair referred to the fork lift truck noise and that it is out with of the applications remit.

The Applications and Advice Manager replied that any conditions would have to refer to the application only and any noise issues could be referred to the Environmental Health (EH) department. Regarding comments made concerning vehicular movements within the site; the Applications and Advice Manager referred to the plans to aid ease of access and movement.

Chair stated that Cllr Barnes, the Ward Councillor, had spoken to her in support of the application.

Cllr Illingworth confirmed that the fork lift trucks can be referred to EH and that this should be done. He asked if the existing storage does not form part of the application, could it be conditioned so that it is not used and therefore the overall increase does not happen. With that condition Cllr Illingworth moved to approve application.

Cllr Moncrieff agreed that the extension would improve access etc and would not have a negative impact and would 2nd the application with a condition regarding the restriction upon the existing storage.

Cllr Botterill was concerned that Members feel they had to interfere with the other buildings on site and was more concerned about the noise of the trucks. He stated that the applicant should be allowed to use the shed as they wish. The business is successful and should be encouraged. Cllr Botterill proposed an amended motion of approval of the application without the additional condition.

Cllr Baguley seconded the amendment without the additional condition.

On taking the vote on the amended motion: the vote resulted in 8 in favour 2 against

On taking the original motion vote 2 for 8 against.

DETERMINATION : Permit, subject to the conditions set out in the report, for the following reason:

The proposal lies within the open countryside, set back 150 metres from the highway of Somerby Road, with the intersections with Main Street and Cold Overton Road. Positioned to the rear of the existing building, topographically low within the site, its location, proposed materials and landscaping would harmonise with that of the surrounding countryside. It would not therefore be considered to have a detrimental impact on the open country side and its sitting is of a sufficient distance as not to have an adverse impact upon residential amenities of any dwelling.

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| (2) Reference: | 11/00803/FUL |
| Applicant: | Mr N Ainge |
| Location: | 5 Soar Close, Melton Mowbray, Leicestershire LE13 0HD |
| Proposal: | A single and two storey extension |

(a). The Applications and Advice Manager (JW) stated that:

This application seeks planning permission for a single storey and two storey extension to a dwelling within the town envelope. The application has been reported to committee as the applicant is related to a member of staff.

There are no updates to report on this application.

The proposal relates to a modest extension within a residential area. The extension has been designed to minimize the impact on adjoining properties and the streetscene. The proposal is considered acceptable and accordingly the proposal is recommended for approval as set out in the report.

No speakers for this application.

Cllr Baguley proposed approval of the proposal.

Cllr Wyatt seconded the proposal.

On being put to the vote the application was approved unanimously.

DETERMINATION : Permit, subject to the conditions set out in the report, for the following reason:

The proposed development is considered to be acceptable in terms of its design and appearance, parking and access arrangements and to have no significant adverse impact upon the amenities of neighbouring properties. As such, it is considered to be in accordance with the objectives of the applicable development plan policies.

D53. 11/00599/TCA : OAKLEIGH, 5 BLACKSMITH END, STATHERN

(a). The Applications and Advice Manager (JW) stated that:

Notification to undertake the felling of an Oak tree at Oakleigh, 5 Blacksmith End, Stathern was submitted to the Council in July 2011 and a Tree Preservation Order was placed on the tree on 7th September 2011. This Tree Preservation Order is currently a Provisional Order and this Council have a period of six months to confirm it unaltered, modify or revoke it. Therefore the Council has until 7th February 2012 to reach a decision.

The purpose of this report is to inform the Committee that since issuing the TPO two letters of representation have been received objecting to the order. The Committee is therefore invited to determine whether or not to confirm the Provisional Tree Preservation Order.

One objection is from the Arboricultural Consultant for Infront Innovation and is summarised in the report. The other is from the son of the owner of 3 Blacksmith End and again this is summarised in the report.

The DETR's Guide to law and Good practice states that The Local Planning Authorities' main consideration should be to assess the amenity value of the tree. Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area. Responses to any publicity should also be considered.

As set out in the report the tree is considered to have a high amenity value and contributes to the streetscene and character of the Conservation Area.

In view of the advice given by the arboricultural advisor, and in view of the tree's good health and its amenity it is recommended that the Tree Preservation Order be confirmed.

The Chair asked if sufficient information was received by the Applicant Agent to oppose the TPO.

The Applications and Advice Manager replied that the report was checked by a professional but would welcome further information from the objector's arborcultural consultant.

Cllr Botterill moved to accept the TPO.

Cllr Wyatt seconded the proposal

Cllr Simpson asked if there were further problems could the applicants take action in the future.

The Applications and Advice Manager (JW) confirmed that maintenance and removal could take place only on application to the Council.

On being put to the vote the application was approved unanimously.

DETERMINATION: That the Tree Preservation Order is confirmed.

D54. URGENT BUSINESS

None.

The meeting closed at 18:30

Chairman