



MEETING OF THE  
DEVELOPMENT COMMITTEE

Civic suite, Parkside

10 November 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 and KM)  
Solicitor to the Council (SK), Planning Policy Officer (PG)  
Administrative Assistant (JB), Observer (WB).

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D43. APOLOGIES FOR ABSENCE

None

D44. MINUTES

(a) D39. SCHEDULE OF APPLICATIONS

Page 10, determination of the application. The Chair noted that the application 11/00687/VAC was deferred and the minute "A vote was taken: 7 in favour of refusal, 2 against, 1 abstention" should be removed.

(b) subject to (a) above, approval of the Minutes of the meeting held on 20 October 2011 were agreed by the committee in a vote. The minutes were authorised to be signed by the Chairman.

D45. 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.

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D46. SCHEDULE OF APPLICATIONS

(1) **Reference:** 11/00556/OUT  
**Applicant:** Mr.C.Bailey  
**Location:** Hathaway Cottage, 39 West End, Long Clawson  
**Proposal:** Demolition of existing dwelling and outline application for a replacement dwelling and 2 new dwellings.

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

This application seeks outline planning permission for the demolition of an existing two storey cottage and the erection of a replacement dwelling and two new dwellings. One 3 bedroom bungalow and one 3 bedroom dwelling. Outline approval is sought for access and layout only. The site lies within the designated village envelope for Long Clawson but outside the designated Conservation Area.

Since publication of the report additional comments have been received in relation to the application.

An objection letter has been circulated to Member since publication of the report.

- Comments have been made in relation to drainage and that there is a drainage culvert which crosses the neighbours land and is designed for the existing flow of water from surrounding land. It is not designed to take further water drainage whether a hydrobrake is fitted or not. Any extra pressure on water carriage would be a real risk. There have been 2 instances of flooding in the 12 months at 5 Melton Road, both reported to and resolved by Severn Trent Water. They are concerned that we would have more flooding as a result of the recent granting of planning permission at Headland Farm, Culfer's Hey and if Mr Bailey's application were successful. The drainage engineer called out by Severn Trent water was candid advising that recent development seemed to be outpacing the drainage infrastructure in this part of Long Clawson.
- Comments have also been raised with regards to page 13 of the report and that no comment has been made in relation to the fact that the culvert pipe is constructed of glazed impervious materials and there is currently no run off from the land into the culvert. Run off from the proposed development, even via a hydro-brake, would be additional run off.
- The planning drawings showing the boundary of Mr Bailey's property seem incorrectly marked when compared with the fence and hedging which currently marks the boundary physically. The drainage culvert and pipework

do not sit in the applicant's land and as such there is no access to it from his garden

- The new development sits adjacent to the only place in the garden we can enjoy the sunshine It is felt that the views will be replaced by the brick side of a new house would be dreadful and would sit within a few feet.
- The Government has advised planners that gardens being used for development of new housing should not be permitted any more. The proposed dwellings are not adding to social housing stock so add very little to village life for people being priced out of living here.
- Final objection is on the grounds that Hathaway Cottage is a beautiful old building, showing on very old photographs of the village and must be one of the oldest here. It would be a terrible shame if the current owner saw fit to demolish it, preventing generations to come from enjoying it. It really does present a lovely gateway into the village and the applicant seems to take great pride in his home and garden. It would be a shame if it were brought to the ground so readily.

With regards to these comments;

In respect of the issue of drainage and flooding we have sought advice from the Environment Agency and Severn Trent who are not objecting to the proposed development. The scheme proposes to have an extensive area of void space for surface water storage and the calculations contained in the FRA estimate that the surface water from this site will be at Greenfield rate or less. This is the same as the existing garden at present. PPS25 requires that new development creates no greater run-off than the existing site and the Environment Agency are satisfied that this can be achieved. The Environment Agency has no grounds to object to the application. There has been no evidence to show that the proposal could not be accommodated within the site in relation to drainage and flooding issues and the EA are satisfied that the drainage system is designed to prevent there from being any additional run off. Due to the lack of evidence it is not considered reasonable to introduce a ground for refusal on the basis of flooding. This did not form a ground for refusal on the previous and this application proposes a reduction in the number of units on the site. With regards to the issue of recent flooding insurances Severn Trent have raised no objection to this proposal.

Comment has been made with regards to the boundary being shown incorrectly. This has been raised on page 15 of the report. There would appear to be some disagreement on the boundary and land however it is considered that the boundary has no affect on the application as it is not intended to gain access in this section. The agent has provided the plan, on screen, showing the point of connection. The point of connection has been include within the red line on the application and the relevant notices have been served on the owner of this land.

With regards to the comments raised in relation to privacy, Greenfield land and loss of Hathaway Cottage, these have all been fully addressed within the report.

Comments have also been raised that on page 12 of the report there is a misleading reference about the reduction in units from 5 to 2. For clarity the previous application proposed the replacement of the cottage and the addition of 4 new units, 5 in total, this application is proposing a replacement of the cottage and 2 new units, 3 in total.

It is worth reminding members that this site has been previously considered by Development Committee, albeit for a larger development. The previous application for the replacement of Hathaway Cottage and the erection of 4 dwellings was refused on the combined effect of the out of keeping layout and the loss of Hathaway Cottage which would detract from the character of the area. This application substantially reduced the first of these concerns both numerically and in terms of their visual impact. Members need to be considered whether the revised application has overcome the previous grounds for refusal and whether the proposal would have a detrimental impact on the streetscene.

In the opinion of the officers the reduction of the number of dwellings, the limited view from the streetscene and the provision of housing to meet housing need is considered to be sufficient to overcome the previous grounds for refusal and accordingly the proposal is recommended for approval as set out in the report.

(b) Mr Paul Carter, an objector, was invited to speak and stated that:

- He objects to demolition of the cottage, and that new build was not in keeping with the character of the area
- Existing is in an area of historic interest, containing a harmonious group of buildings. The cottage is about 150 years old with great character
- The setting of the listed building opposite will be affected by demolition of the cottage
- Flood risk will increase as there will be an increase in number of dwellings. Pick Everard's report to the Council noted the need for greater diameter for the drainage pipe serving the area
- Disagrees that there will be no additional runoff and that recent flooding episodes are cause for concern
- Proposed new houses are no benefit to the village as there is no need for 3 bed houses, and the properties will not be affordable for new buyers
- Gardens should not be built upon and this cottage should be kept.

(c) Richard Cooper, the applicant's agent, was invited to speak and stated that:

- This application addresses the specific previous issues raised
- Site density had been reduced according to evidence from site analysis
- A heritage report shows no historic interest in this property, therefore deemed no significance, however streetscene should be maintained and the design will emulate the materials and style
- The evidence submitted is thorough and encourages approval.

- (d) Cllr Rhodes (one of the Ward Councillors) was invited to speak and stated that:
- He objects to the application and so are many of the local residents especially the demolition of the old cottage
  - The conservation officer noted that the replacement will be a pastiche
  - Current guidance should be adhered to regarding building on a site that is a garden, and has prompted local opposition which should be listened to. Even though reduction of number of dwellings, the proposal will still use open space and not be acceptable
  - There is enough market housing in Long Clawson
  - Ongoing doubt re flooding, even though Environment Agency says otherwise the report does not convince the Parish Council, the Pick Everard report should be listened to as other evidence is not available
  - The application should be refused.

The Applications and Advice Manager replied to points raised by Mr Carter:

- Regarding the loss of an old cottage, the impact on the streetscene and the character of the area; this is a decision for the Members to make as the cottage is not within a conservation area or listed
- Regarding flooding; she pointed to the consultation reply from the Environment Agency contained within the report.

Head of Regulatory Services referred Cllr Rhodes to the evidence contained within the report regarding the impact of the development on local flooding.

(e) Cllr Baguley (one of the Ward Councillors) shares the concerns raised by Cllr Rhodes and Mr Carter: the loss of the cottage will affect the streetscene, the development is not in keeping with the form or character of the area, the replacement does not correspond with the existing and will impact a listed building. She stated that local people should be listened to and **moved to refuse the application on grounds that development is not in keeping with the form and character of the area, that is, the same reasons as the previous refusal.**

Cllr Baguley asked if concerns regarding flooding could be added to the reasons for refusal. Discussion followed regarding the content of the report from the Environment Agency and it was suggested that to include flooding would lead to an amended proposal for refusal. Cllr Simpson initially proposed this amendment but subsequently withdrew it after considering the debate..

Cllr Simpson noted that should the application be permitted the new development will be visible via the widened access from the highway and that demolishing the cottage would be contrary to the guidance in PPS5 Planning and the historic environment).

Cllr Cumbers **seconded the proposal to refuse.**

A vote was taken: 7 in favour of refusal, 4 against refusal.

**DETERMINATION : Refuse, for the following reason:**

**The proposal would result in a development not in keeping with the form, character and appearance of the area. The dwellings would occupy the site predominantly to the south and south east which would not reflect the character and density of the surrounding area and would also result in the demolition of a heritage asset, as identified in PPS5, which would have an adverse impact upon the visual amenity of the surrounding area.**

**(2) Reference: 11/00594/FUL  
Applicant: Hayward Exclusive Homes Ltd  
Location: Home Farm, 1 Wartnaby Road, Ab Kettleby  
Proposal: Re-design of approved dwelling on Plot 1 with  
new double garage/car port for plots 1 and 2**

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

Planning permission is sought for the replacement of the bungalow previously approved on plot 1 of this development with a new dwelling that includes a two storey element. The siting of the unit remains unchanged. Permission is also sought for a detached double garage/carport to serve plots 1 and 2.

The principle of the development has been approved under recent application 10/00945/FUL and the other dwellings on this site are currently under construction. Plot 1 is located within the Ab Kettleby Conservation Area and is within the curtilage of the Grade II listed Home Farmhouse.

As stated in the report the application is considered to be acceptable in terms of access, parking and design and is not considered to adversely impact on the Conservation Area or the street scene. The proposal is also considered to be sufficient distance from surrounding Listed Buildings to not have an impact on their settings. However, a number of objections have been received with regards to the impact on neighbouring properties and it is therefore considered that the main issue relating to the proposal is the impact on residential amenity.

The impact of the proposal on No's 3, 5, 7 & 13 Wartnaby Road, is considered to be acceptable for the reasons set out in the report.

Impact on 4 Old Vicarage Gardens

The Inspector's main concern when considering the previous refusal was the impact on No 4 Old Vicarage Gardens. He commented that the dwelling on Plot 1 would be a large structure in very close proximity to the openings on the rear elevation of No4. The upper part of the wall and much of the roof would be visible at close quarters to the kitchen window. Consequently it would be an oppressive structure that would severely diminish the outlook and materially harm the living conditions of the occupiers of No 4 Old Vicarage Gardens.

This current application has reintroduced a two storey element to the proposed dwelling on plot 1 whilst amending the layout to a degree. The proposed south elevation facing No 4 Vicarage Gardens remains identical to that permitted under application 10/00945/FUL. The two storey element of the dwelling now proposed on plot 1 relates to part of the northern wing. This is 3 metres higher than the single storey ridge of the southern wing. Only the upper part of the roof of the two storey section together with three rooflights will however be visible above the single storey ridge height and it is 16 metres away from No 4 Old Vicarage Gardens. There is an existing 1.5 metres high brick wall on the boundary and the windows on the north elevation of the bungalow are not principal windows and therefore loss of light would be limited. Accordingly it is considered that the Inspectors concerns have now been overcome and the residential amenities of No 4 will not be adversely affected by the proposal.

The car port/garage element of the application, to serve the dwellings on plots 1 and 2, is identical to that already permitted under reference 10/00945/FUL and accordingly it is considered acceptable.

No additional comments have been received since publication of the report and accordingly the proposal is recommended for approval as set out in the report.

(b) Maurice Fairhurst, the applicant's agent, was invited to speak and stated that:

- There has been considerable debate regarding this plot, however the main planning considerations are set out by the planning inspector in his report from the appeal to the previous refusal
- The inspector had had no concern regarding the scale of the massing of the building or its impact on the area, the Willows or most of the neighbouring cottages, his only concern was the impact on the bungalow to the south, therefore the design has been amended to reduce the overall impact and to that bungalow particularly
- Visibility has been improved for all aspects, to and from the site

(c) Cllr Wilson Boardman, speaking on behalf of the Parish Council, was invited to speak and stated that:

- Welcomed development on the site
- The Parish Council have been aware of the changes and have no issues generally but would prefer a bungalow rather than a 2 storey house
- The site is in a conservation area and should have appropriate design and the streetscene of Wartnaby Road should be considered. The bungalow option was superior to this proposal.
- The Parish Council appreciate the efforts of the developer in moving the windows that overlooked the neighbours however the occupants in the neighbouring properties do not agree that there will be no loss of privacy

The Applications and Advice Manager (KM) replied to Cllr Boardman stating that the 2 storey house was considered to be more traditional and in keeping with the area

than a bungalow property. Also, the streetscene of Wartnaby Road would benefit from a 2 storey property rather than a bungalow.

Cllr Cumbers asked if the development rights could be removed from Plot 1 to help control future development on the site.

Head of Regulatory Services said that this is a reasonable request and is a frequently added condition.

Cllr Moncrieff agreed that the new design of the 2 storey would be better. **He proposed approval of the application with the addition of removing development rights of plot 1 by condition. He further agreed to amend his motion to delegate to the Head of Service an additional IF it is in the control of the applicant.**

Cllr Wyatt **seconded the proposal**

Cllrs noted that a boundary stone wall may be in danger of collapse due to excavations close to its foundations but acknowledged that the developers have responsibilities to protect neighbouring property.

A vote was taken: 10 in favour, 1 abstention

**DETERMINATION : APPROVE subject to:**

- i) the conditions set out in the report**
- ii) an additional condition removing and;**
- iii) an additional condition requiring the retention of the boundary stone wall SUBJECT TO confirmation if it is in the control of the applicant.**

**Reasons:**

**The application is considered to be acceptable in terms of access and parking and design and is not considered to adversely impact on the Conservation Area or the street scene. A number of objections have been received with regards to the impact on neighbouring properties. Plot 1 has been revised from the previously refused scheme to be predominantly single storey, with a small two storey element to the northern wing. It is considered that due to distance separations, design, size and relationship to windows of adjoining properties the proposal would not have an adverse impact on the amenities of adjoining properties. Accordingly it is considered that the Inspectors previous concerns have been overcome and the proposal is recommended for approval.**

**As such, it is considered to accord with the objectives of the relevant development plan policies and PPS 5 'Planning and Historic Environment'. which outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. To achieve this, the Government's objectives for planning for the historic environment seek, amongst other things to recognise that:**



- **intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term;**

**(3) Reference: 11/00687/VAC**  
**Applicant: Mr Stefan Wippich**  
**Location: 3 Hickling Lane, Long Clawson, Melton Mowbray, LE14 4NW**  
**Proposal: Removal of personal planning condition.**

(a) Head of Regulatory Services (JW) stated that:

- No updates to report.
- Drew attention to the objector's comments that the full history of the site should be provided. Whilst disagreeing with this view, he offered to provide full history if requested. You will hear from Mr Gladstone why he considers the full history should be reviewed when he takes the stand.
- With regard to the issue of substance, it is our view that we have been clearly admonished by a higher authority that the condition is inappropriate. In this context we consider we have little alternative but to remove it.

(b) Graeme Gladstone, an objector, was invited to speak and stated that:

- This bungalow is built too close (1m from boundary) and that this type of development should not have been permitted
- Concerned that this sets a poor precedent
- The bungalow is largely unlive in but has a big impact visually.
- Removing the condition will mean that people can occupy this other than the original permission which restricted it to a particular person.
- Would like to see a condition that restricts development and also occupants who can live in it. (eg over 55s)

The Head of Regulatory Services replied that the current permission already restricts permitted development rights and this will not be affected by this application, whatever the outcome. The conditioning of permissions to restrict age of occupants is difficult to justify and has a history of being successfully appealed.

Cllr Baguley stated that the condition should be removed to allow other people to live in it and that that would make it a useful property in the village therefore she **proposed to allow removal of condition.**

Cllr Botterill agreed with Cllr Baguley and believed that the condition is inappropriate and therefore **seconded the proposal to remove the condition.**

Cllr Moncrieff sympathised with the objector and but believed that it was a mistake to condition the occupancy in the past and that it should now be removed.

A vote was taken; 10 in favour, 1 abstention (recorded Cllr Cumbers)

**DETERMINATION : APPROVE, for the following reason:**

**The condition was imposed to follow the justification for the granting of permission. However, the condition has been ruled to be unjustified and in view of this it cannot be retained.**

**(4) Reference: 11/00664/FUL  
Applicant: Mr Stephen Lee  
Location: Easthorpe Lodge, Manor Road, Easthorpe  
Proposal: Proposed new private drive and conversion of garage in to 2 x 2 bedroom flats.**

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

This application seeks planning permission for the conversion of an existing two storey brick garage into two 2 bedroom flats. The site lies with the village envelope for Easthorpe which is considered to be an unsustainable location with poor level of services to support future residents.

There are no updates to report on this application.

The main consideration of this application is whether this site is considered to be in a sustainable location and in accordance with PPS1/PPS3. It is considered that the development has a suitable access and parking arrangements, would not impact on the character and appearance of the area and would not adversely impact on neighbouring properties. Policy OS1 would support development in this location, the conversion would support the buildings long term use and the proposal would provide two small units in the village. The village itself is not considered to be a sustainable location for new residential development. However, a recent appeal decision in close proximity to this site deemed that as the property would be in close proximity to the centre of Bottesford then the development would not lead to undue reliance on the use of the private car. This site is in close proximity to the footpath links into Bottesford which is considered a sustainable location. It is considered that due to the specific location of this site in relation to Bottesford and the recent appeal decision that a refusal on the grounds of unsustainable location could not be upheld.

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

There were no speakers for this application.

The Chair in her role as Ward Councillor stated that she supported the application, the accommodation proposed will help fill a void in the housing stock of small, affordable properties, and **moved the recommendation to approve.**

Cllr Wyatt **seconded proposal.**

Members agreed that conversions of this type are appropriate in this category of village. Possible fears of future development of garages were allayed by the

Applications and Advice Manager who directed attention to the site plan and the more than adequate provision of parking in the application.

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

**DETERMINATION : Approved, subject to conditions as set out in the report and for the following reason:**

**The proposed development is considered to comply with the objectives of the national, regional and local plan policies but be contrary to the preferred options of the Core Strategy. The Village of Easthorpe is considered to rank poorly against sustainability objectives however the site is within easy access to the facilities on offer within Bottesford which would reduce heavy reliance on the private motor car, which in turn will contribute to a reduction of CO2 for future occupiers and supports the objectives of PPS1 The reuse of an existing outbuilding is considered to be in keeping with character of the area with satisfactory access and parking and has no significant adverse impact of the amenities of neighbouring properties or the visual appearance of the area.**

**(5) Reference: 11/00760/TCA  
Applicant: Mr David Riley  
Location: Parsonage House, Paradise Lane, Old Dalby  
Proposal: Fell one evergreen oak tree**

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

This application seeks permission for the removal of one oak tree within the garden area of the property. The application is reported to committee as the tree is on land owned by a Ward Councillor.

The purpose of this application is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree. This involves consideration of the amenity value of the tree.

The oak tree is located within 4 metres of 15 Paradise Lane, which is a grade II Listed Building. As detailed in the report a structural survey has been submitted which shows damage to the listed building as a result of the proximity of the tree.

It is considered that the Oak tree does have amenity value in terms of the street-scene, however, because of the potential for further structural damage to the grade II listed building, it would not be suitable for a Tree Preservation Order. Accordingly it is recommended that consent be granted for the removal of the tree.

(b) Mr Riley, the applicant, was invited to speak and stated that:

- He apologised for the need to remove the tree.

Cllr Moncrieff stated that this is a wonderful tree and it's a shame to have to remove it.

Cllr Botterill hopes that the removal of the tree will solve the problem, unfortunately there are so many trees around this property they may have an impact too however he agreed that it needs removing. Cllr Botterill **proposed approval of application** and he hoped that a replacement evergreen oak would be planted elsewhere in the area though he acknowledges that it cannot be a requirement.

Cllr Wyatt **seconded the proposal.**

Vote taken: 8 in favour, 2 against 1 abstention.

## **DETERMINATION : APPROVE**

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D47. 11/00449/TPO: Waltham on the Wolds Church of England School, Melton Road, Waltham on the Wolds

Cllr Illingworth left the meeting due to a prior engagement.

Chair asked the Members if two speakers could be allowed.

Cllr Moncrieff **proposed to allow speakers.**

Cllr Simpson **seconded the proposal.**

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

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

Notification to undertake the felling of a Beech tree to the rear of Waltham on the Wolds Church of England Primary School was submitted to the Council in June 2011 and a Tree Preservation Order was placed on the tree on 14<sup>th</sup> July 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 14 January 2012 to reach a decision.

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

The objection is from the Headmaster of the school and is summarised in the report.

One letter of support is also summarised in the report.

Since publication of the report a copy of a further letter which has been sent to the Headmaster of the school has been received in support of the TPO. This states that the Beech tree is perfectly stable and is NO threat to the school building OR the children's welfare. The issue about bird faeces is an excuse and I have NEVER witnessed or known of a child consuming bird faeces.

Believes that the real reasons for wanting to remove the tree are:

1. Too much hassle/money to clean the school buildings guttering out
2. Too much hassle/money for someone to sweep the Beech nuts up.

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. LCC Forestry carry out a tree health and safety survey on the school every three years as part of their statutory health and safety obligations. The most recent inspection of the tree by the Council's specialist arboricultural advisors noted a few fungal bodies around the tree including Meripilus otherwise the tree was in good health, with no obvious hazards present.

In view of the advice given by the arboricultural advisor, and in view of the tree's good health, its amenity value and the important status within the social history and life of the village, it is recommended that the Tree Preservation Order be confirmed.

(b) Mr Luntley was invited to speak and stated that:

- Tree probably was planted at same time of the school was built probably 160 years ago
- It is a landmark in the village and an intrinsic part of the site
- He notes that there has been a petition in order to preserve the tree
- He believes that with reduction in height and width and thinning would be satisfactory maintenance
- The size of the site allows other areas to be used and the tree should not interfere with the ability of the children to use the site.

(c) Cllr Holmes, a Ward Councillor, was invited to speak and stated that it is a beautiful tree and should be protected.

**Cllr Baguley moved to place the TPO on the tree**

**Cllr Botterill seconded the proposal.**

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

**DETERMINATION: that the provisional Tree preservation Order be confirmed.**

D48. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7.30 p.m.

Chairman