

MEETING OF THE  
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

02 February 2012

PRESENT:

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

Observing Cllr O'Callaghan

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

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D64. APOLOGIES FOR ABSENCE

Cllr G.E. Botterill

The Chair welcomed Cllr Holmes on behalf of the Members to the Development Committee. The Chair also paid tribute to the work done on the Committee by Cllr Wyatt.

D65. MINUTES

20.12.2011: D57. SCHEDULE OF APPLICATIONS

(a) The Chair noted that on page 3, Cllr Holmes speaking as Ward Councillor, the first bullet point should read "Many of *her* points had already been raised." Mrs Pedlar, second speaker, asked that the minutes reflect her words more accurately, changing her first bullet point to "*She has been a parish councillor and am a board member of emda from 2007 to date, and for 2 years was a board member responsible for Regional Planning.*"

22.12.2011: D61. SCHEDULE OF APPLICATIONS

(b) The Chair noted that on page 3, Cllr Moncrieff's comments should read "He was happy to see *that* the scheme will improve the sustainability of the farm shop".

(c) subject to (a) and (b) above, approval of the Minutes of the meetings held on 20.12.2011 and 22.12.2011 were unanimously agreed by those present at the respective meetings.

D66. 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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D67. SCHEDULE OF APPLICATIONS

- (1)    **Reference:**            **11/00890/FUL**  
      **Applicant:**            **Mrs S Faulkner**
- Location:**            **Asfordby Road Sports Grounds, Asfordby**  
                                  **Road, Melton Mowbray**
- Proposal:**            **Modular building and change of use of land to**  
                                  **nursery**

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

This application seeks planning permission for the erection of a modular building and change of use of land to a day nursery. The site lies within the open countryside and as such represents a departure from the Development Plan. The proposed purpose built early years facility is proposed to replace the Egerton Park Nursery and out of school club which was refused planning permission in October 2010 and upheld at appeal.

Since publication of the report the applicant has requested that the wording of Condition 5 be amended. Condition 5 relates to access improvements before building works commence on site. The applicant has requested that as they are on a tight deadline to get the works completed they are requesting that this condition be worded "before first use of the development" in line with the other conditions. They have stated that there will be very little extra traffic during the build and feel that the access can accommodate. It is considered that this request is not unreasonable and recommend the change of the wording to Condition 5 on page 6 to read "Before first use of the development hereby permitted ....".

The applicant has also stated that they have considered the report and agree with the Officers comments that the proposed fence may look like a domestic fence and are willing to consider an alternative fence. The proposal is considered to be acceptable, however, condition 3 on the approval does allow for an alternative fence to be submitted.

The site lies in the open countryside and as such the proposal is not considered to be supported by Policy OS2. However, the proposal is considered to be in a sustainable

location and is to provide childcare facilities to the town. The access is considered acceptable with improvements and the building is considered acceptable in design. Therefore, in this instance the benefits of the scheme are considered sufficient to warrant a departure from the development plan. Accordingly the proposal is recommended for approval as set out in the report.

(b) Mrs Faulkner, the applicant, was invited to speak and stated that:

- She brought it to the attention of the Members that she had received permission from the Town Estates to lay a path along the side of the golf course, enabling parents and children to access the nursery from Sysonby Grange Lane.

Cllr Gordon asked that a fence be erected to protect children emerging from the nursery from cars in the car park.

Cllr Baguley moved to PERMIT the application due to the exceptional circumstances of the proposal which outweighed the policy not to build in the open countryside.

Cllr Holmes SECONDED the motion but later withdrew due to concerns about the location of the path on the golf course not being considered fully.

Cllr Cumbers stated that the proposal is against policy and could not be justified as other buildings were available in more sustainable sites. She proposed REFUSAL of the application.

**No member came forward to second the proposal to refuse.**

Members debated the application at length with focus particularly on:

- The site is in the open countryside and contrary to Policy but it is important for children to have access to spacious areas.
- The fence around the site should not be 2m, 1.5m would be preferable. The design and size could be agreed by officers by condition.
- While the proposed path from Sysonby Grange Lane was welcomed, its' exact line was unspecified. Members requested that Officers liaise with the applicant to agree on a route that would comply with safety regulations.

Cllr Illingworth SECONDED the motion stating that Officers can ensure the safety of the public via planning conditions.

Applications and Advice Manager reiterated the amendments to the conditions as agreed by Members.

A vote was taken: 9 in favour, 1 against.

Cllrs Cumber asked for her vote against approval be recorded.

**DETERMINATION : PERMIT, subject to the conditions in the reports amended as follows, and the following reasons:**

3. Prior to commencement of the development details of the proposed fencing to the secure play area shall be submitted to and approved in writing by the Local Planning Authority. This shall include style, material and staining/colour **and indicate a height no greater than 1.5m**. The fence shall be constructed in accordance with the approved details prior to the first occupation of the development.
5. Prior to **the first occupation of the building** hereby approved, the existing vehicular access serving the site from Asfordby Road, shall have been widened to a minimum width of 6 metres for a minimum distance of 10 metres behind the highway boundary (back of verge) and shall have been surfaced in tarmacadam, concrete or other similar hard bound material. Once these improvements have been carried out, the access shall thereafter be permanently so maintained.
7. Before the proposed Nursery is first brought into use, a separate footpath access shall be provided from the road to the building **and from the site access linking to Sysonby Grange Lane**, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Once provided, the footpaths shall thereafter be permanently maintained fully in accordance with the approved details.

**REASONS:**

The proposed development is not considered to comply with Policy OS2 and as such represents a departure from the Development Plan. The proposal is considered to be in a sustainable location and is to provide childcare facilities for the town. The proposed development has an acceptable access and improvements to the access are considered to be a 'highway gain'. The building is considered to be appropriate in design and in keeping with the existing structure on the site. The location of the building in close proximity to existing structure is considered to be acceptable and would not have an adverse impact on the character and appearance of the open countryside. Therefore, it is considered that the benefits of the scheme, the day care facility, employment and the learning environment it will offer, highway gain and limited impact on the open countryside are considered sufficient to warrant a departure from the development plan in this instance.

- (2) **Reference:** 11/00866/FUL  
**Applicant:** Sir David Samworth  
**Location:** White Lodge, Gated Road, Thorpe Satchville,  
Melton Mowbray  
**Proposal:** Demolition of existing dwelling house and  
partial demolition of concrete framed barn  
and erection of new dwelling with extended  
and remodelled barn.

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

This application seeks planning permission for the replacement of an existing bungalow and the remodelling of an existing barn. The site lies within the open countryside and as such the application is considered to be contrary to the development plan.

There are no updates to report on this application.

The proposal seeks planning permission to replace a modest dwelling contained within a group of historical and modern farm buildings, along with alterations to an existing large barn. The dwelling is a substantial new build but is considered to be a vast improvement upon the current dwelling which has no architectural merit and has no sustainable credentials. Historically there has been a larger dwelling on the site which was considered to be unique to this site and not one that could easily be replicated elsewhere. The landscape is capable of absorbing the development due to the topography and it not considered that the proposal will have a detrimental impact upon the countryside location. It is considered that due to the factors assessed in the report that the proposal is acceptable and is sufficient to depart from the development plan.

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

(b) Mr Alex McIntyre, the agent, was invited to speak and stated that:

- The scale and construction of the current building is not in keeping with the other agricultural buildings or the previous buildings on the site which were more substantial and traditional
- The topography of the site will be better utilised and the spacial relationship between the buildings improved.

(c) Ward Councillor, Cllr Barnes, was invited to speak and stated that:

- It is a pity the original dwelling was knocked down
- The current building is not in character with the area

- He welcomed a 3 bedroomed house that would not have an **adverse impact** on the area and would also be energy efficient
- He would like to thank Mrs Knipe for a very informative report

Cllr Holmes liked the scale and design and moved to PERMIT the application.

Cllr Cumbers **SECONDED** the motion stating that the proposal was in keeping with the historic character of the site.

Members agreed that although a larger footprint than the existing, the new dwelling would be an improvement The Chair noted that the application satisfies ‘Lifetime Homes’ principles.

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

**DETERMINATION : Permit in accordance with the recommendation and conditions in the report, for the following reasons:**

**The proposed development is considered not to comply with the Development Plan policies in so far as it seeks a much larger replacement dwelling that is contrary to the Local Plan. Historically the site was occupied by a much larger dwelling; known as the White Lodge and the range of outbuildings still exist. The existing dwelling is incongruous and out of context with the site with the outbuildings occupying a much greater footprint than the residential dwelling. The sensitive design and construction materials is more in keeping with the site and is capable of being absorbed within the landscape due to the topography. The Council therefore consider that, on balance, that the larger dwelling can be justified as a departure and can be prevented from becoming a precedent for other forms of residential development because of its unique circumstances.**

#### **D68. DEVELOPMENT CONTROL PERFORMANCE 2011/12 (Q3)**

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

The performance report shows the figures for Q3. Overall the figures are below target and are not considered to be satisfactory. The drop in performance is considered to be due to a backlog in registration and processing of applications.

The problem is being closely monitored and it is hoped that this is a temporary blip. On a more positive note this quarter has seen an increase in the number of character appraisals and management proposals for conservation areas.

Members agreed that although the results were poorer than previous quarters this was the result of a substantial restructure of the department and office moves. Members stated that they would rather see the quality of work continued rather than adherence

to targets that may hinder the proper consideration of applications.

Members thanked the department for its quality of output, particularly the committee reports.

D69. URGENT BUSINESS

There was no urgent business.

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

Chairman