



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

23 February 2012

PRESENT:

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

Observing Cllr M Graham

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

D70. APOLOGIES FOR ABSENCE

Cllr G T. Moncrieff

- D71. Approval of the Minutes of the Meeting held on 2 February was proposed by Cllr Baguley and seconded by Cllr Illingworth. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

There were no matters arising from the minutes of 02 February 2012.

D72. DECLARATIONS OF INTEREST

11/00909/FUL - Vale House, Woolsthorpe Road, Belvoir.

Cllr Botterill stated a non-pecuniary, personal and prejudicial interest in the above application.

Cllr Chandler declared links to Belvoir Estate but no interests in the above application.

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.

D73. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 11/00952/FUL
Applicant: Mr R Horsley
Location: Pinfold farm, 25 Main Road, Nether Broughton
Proposal: Replacement of dilapidated barn with commercial storage unit and adapt entrance with vehicle turning circle and parking.

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

Planning permission is sought for the replacement of a dilapidated barn with a commercial storage unit. This involves amending the existing access arrangements to the site. The barn lies to the rear of Pinfold Farmhouse which is a grade II listed building and occupies a prominent roadside location on the principal route around the village of Nether Broughton. The current structure is situated within the curtilage of the listed building but is sufficiently remote from it (approx 1 km away) so as not to affect its setting. The site is particularly well screened by mature trees and is sufficiently remote from other properties in the vicinity that it is considered that there would be no impact upon residential amenities given the separation distances.

As stated in the report it is considered that the main issues relating to the proposal are compliance with policy, impact on the countryside and highway safety.

Compliance, or otherwise, with planning policy relating to businesses in rural locations

The replacement warehouse will provide a small scale employment use, however, the site is in a relatively remote location in terms of the settlement and is not considered to be a sustainable location. It is considered that a storage unit, which is more suited to an industrial site, is not supported by policy which seeks to promote more accessible locations in preference to more remote rural locations. However, PPS4 does support small scale economic development, recognising that remote sites may be acceptable even if not well served by public transport previous uses of the site.

A sustainability report has been submitted with the application which concludes that the replacement of the current barn with a new structure on the same site would allow improved business and site efficiency. By maximising the use of this site, rather than continuing to rent an off site storage facility (previously in Long Clawson), the number of trips and the distance between the parent company in Asfordby and the proposed overflow storage facility will be reduced. Therefore this site is

considered to be a more sustainable location for the warehouse facility in line with the objectives of PPS 4.

Impact upon the open countryside

The existing dilapidated building on the site is constructed of corrugated iron and timber and has a floor area of approximately 500 sq m. The proposed replacement building at 40m x 20m has a floor area of 800 sq m and as such is approximately 63% larger. Additional tree planting is proposed to supplement existing planting and provide natural screening. Therefore although the proposal is larger than the existing building it is considered that the replacement building represents an improvement on the existing dilapidated building and together with associated ground works will improve the appearance of the site.

Impact upon highway safety

The site has a blocked entrance from Main Street separate from the host dwelling. The application includes a proposal to re-open that access and provide a tarmac covered area to enable vehicles to pull off road before accessing the site through gates. The existing track to the storage unit will be upgraded with hardcore to provide a level access road.

Further to a previous refusal on this site the applicant has submitted improvements to the existing access arrangements and clarified the position regarding the existing and proposed use of the site. From a highway safety point of view, the existing access to the site is extremely poor, however as the proposal is in effect to continue a use that was until recently already taking place, it would be difficult to sustain a highway reason for refusal. It is therefore considered that the additional information submitted has overcome the previous reason for refusal and the access arrangements are now satisfactory subject to the imposition of conditions.

Since publication of the report a further representation has been received from the neighbouring landowner raising a number of additional objections.

- The plans submitted with the planning application do not match those held at the land registry and are inaccurate and misleading.
- The description of the proposal is misleading as the barn was always used for livestock by the previous owner and in fact has been unused and allowed to fall into disrepair by the applicant
- The proposed parking provision is far greater than current provision - it appears that it is proposed that an existing commercial business be moved to the development with a significant change in use not in keeping in with the agricultural heritage and social context of the area.
- The applicant has filled in an existing dyke and natural drainage to the pond which is within neighbouring land which as a result frequently becomes water logged. Accordingly soakaway provision for run off water may be inadequate and no assessment has been carried out.
- No provision has been made in the application for the impact on a registered biodiversity corridor by the proposed development.
- The proposed entrance layout extends over a hedge, ditch and biodiversity

corridor as shown on Land Registry drawings. Access is severely compromised if it is to be clear of the biodiversity corridor therefore it may no longer satisfy the access requirements set by the Highways Authority.

- Works will encroach on existing trees and no tree survey has been carried out.
- There are significant privacy issues and overlooking issues with the neighbouring property.
- The design, appearance, character and scale of this commercial development will have a major impact on the surrounding area and is out of context with the rest of the neighbouring agricultural and rural area
- No assessment has been made on the impact of light pollution to neighbouring properties.

In response to these objections the comments made regarding land ownership, are addressed in the report. The ownership of land is not a planning consideration and the applicant has submitted an official land registry plan to confirm ownership. The design, scale and impact on neighbouring properties are all matters covered in the report and are considered to be acceptable. There is no evidence that the proposal will exacerbate flooding and a condition is suggested requesting a landscaping scheme be submitted and approved which deals with any potential loss of trees and their suitable replacement. It is not clear exactly where the biodiversity corridor is that is being referred to as no plans have been submitted, however, there have been no comments or objections from Ecology in respect of the proposal. No external lighting is proposed on the plans, however, if necessary a condition can be imposed restricting lighting.

In conclusion the proposal is to erect a new warehouse building on a similar footprint to a former storage building that is in a state of collapse and proposes improved site access and general infrastructure. Previous concerns expressed on highway safety grounds, relating to the site entrance off Main Street, have been addressed and overcome in this latest submission. Recent National Policy in PPS4 requires a 'constructive and positive approach' to proposals for economic development and it is considered that the application supports economic development objectives. On assessment, the application is considered to have benefit in terms of employment and economic development with insignificant impact on the countryside and as such it is considered that the balance should be towards granting planning permission.

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

(b) Edward Attenborough, an objector, was invited to speak and stated that:

- he is a neighbour
- after being advised by solicitors he is aware there is no boundary dispute
- he is concerned that a biodiversity corridor indicated on plans [provided by the objector the previous week] has been ignored by the applicants
- a ditch has been filled already on the site that is causing some water logging on his land
- there are concerns that trees are going to be lost which will have an adverse impact on the biodiversity corridor.

(c) Councillor Schmidt, a Parish Councillor, was invited to speak and stated that:

- the Parish Council are concerned that the application is for a change of use from agricultural to commercial which is inappropriate for the site particularly because of the issues relating to access to the site
- the amount of parking for cars indicates that there will be a number of employees at the site which is inconsistent with the information provided by the applicant regarding the low usage of the site, also encouraging the use of cars is not sustainable
- the site has been used recently for storage and distribution purposes, however this use did not have planning permission and was unsanctioned
- there is insufficient turning space on the site for large vehicles and it would be unacceptable for vehicles to reverse onto the dangerous stretch of road.

(d) Councillor Orson, Ward Councillor for the area, was invited to speak and stated that:

- he was grateful that the Members visited the site
- his main concern is that the access to the site is unsuitable for the proposed use
- the change of use from agricultural to industrial would not be good for the area with increased vehicle movements on site having an adverse impact on the area

The Applications and Advice Manager replied to Mr Attenborough that the biodiversity corridor information was not available to the Officers before last Friday and therefore was not referenced in the report given. A deferment could be made by the Members in order for the new information to be considered if necessary.

In reply to Cllr Schmidt she confirmed that the site did not currently have planning permission for Industrial use.

In reply to Cllr Orson, the Applications and Advice Manager referred to the conditions restricting level of use in the report.

Cllr Illingworth suggested that the proposal will require a new build as the building on site is derelict. He also believed the access is very poor and the applicant has not been specific enough in their application to indicate that usage will have no adverse impact on what is a very dangerous stretch of road.

The Chair asked for confirmation from the Planning Policy Officer regarding the commercial use of the site.

The Planning Policy Officer replied that although small scale development would be allowed in this category of village, this application was outside the village envelope and is not supported by policy.

Cllr Illingworth **proposed refusal of the application** due to the development being inappropriate, the access being unsuitable and the site being out with of the village

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

This application seeks planning permission for the erection of a three bedroomed zero carbon dwelling within the open countryside. The site lies outside the village envelope for Wymondham within the designated open countryside. The dwelling is proposed to be sited within a small coppice of coniferous woodland and has been applied for as an exceptional dwelling in line with the PPS7. The dwelling is in the open countryside and as such represents a departure from the Development Plan.

This application represents a resubmission to a previously refused application for a similar scheme which was reported to committee in January 2011. The previous application was refused as it was not considered that the location was sustainable and that the proposal was 'exceptional' enough to depart from the Development Plan.

In relation to the proposal, the application site lies outside the village envelope and as such the proposal represents a departure from the development plan. There is an objection from the highway authority in relation to highway safety, however, the site is not considered to be so remote from the unlit highway and village boundary and the proposal is not considered to materially increase traffic to what is an existing farm access with unrestricted movements. The proposal would not impact on neighbouring properties and is sited as such that it is not considered to impact on the open countryside. However, to justify a departure from the development plan the applicant has tried to demonstrate that the dwelling is exceptional to meet the tests of paragraph 11 of PPS7. PPS 7 allows for very occasionally granting of truly and outstanding and ground-breaking design. The house has been designed to be zero carbon using sustainable materials sourced locally and be ecologically friendly. The dwelling has been designed using a recycled Dutch barn for the frame and straw bales produced from the farm which will be rendered for the walls. The design of the building has been led by the materials and location with an appreciation for its surrounding agricultural uses. This application has been submitted with a similar design to the previous refusal but with an increased landscaping enhancements. This proposal introduces additional tree and hedgerow planting as well as improvements to the farm yard. The application has also been submitted with a sustainability statement and the building surpasses all current building regulations with regards to energy and efficiency.

The house has been designed to be zero carbon using sustainable materials sourced locally and be ecologically friendly. The design has been led by the desire to build a functional dwelling enabling it to be carbon neutral. It is considered to be innovative in its approach in using straw bales for insulation and a recycled Dutch barn to remain in keeping with the agricultural links on the site. The environmental enhancement proposed will ensure that the dwelling is sensitive to the defining characteristics of the local area and as such is considered to comply with 'special' objectives of PPS7 and an exceptional dwelling through the use of green credentials and land management of the site. Accordingly the proposal is recommended for approval as set out in the report.

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

- this submission specifically addresses points raised in the previous application
- she has resided in the area all her life and would like to continue her agricultural links
- the proposal is to use locally sourced materials, promote sustainable living, use carbon neutral energy and reduce the impact on the local and global environment.

The Chair noted that the Parish Council is opposed to development in the open countryside.

Cllr Cumbers was pleased to see the applicant's commitment to environmentally friendly issues but has concerns that the proposal is against policy for development in the countryside. She stated that she felt that the design was not sufficiently 'ground-breaking' to warrant going against policy and **proposed refusal of the application**.

Cllr Baguley **seconded the refusal** stating that the proposal did not meet the 'exceptional design' requirement to approve against policy.

The Chair asked for clarification from the officers regarding the policy requirements.

The Applications and Advice Manager and the Planning Policy Officer confirmed that the guidance resides in PPS7 and has been rehearsed in the report, and that the design would have to be considered 'ground breaking'.

Cllr Botterill disagreed with the above Cllrs and stated that it is an exceptional design and a sound proposal and **proposed to permit the application**.

Cllr Illingworth **seconded the proposal to permit** as he believed the design was suitable for the site.

Cllr Holmes **proposed to defer the decision** until the Members had an opportunity to visit a similar such dwelling.

No Member seconded the proposal to defer.

Cllrs discussed the siting of the application outside of the village envelope and questioned if the design was exceptional and therefore warranted going against policy.

The Applications and Advice Manager referred the Members to the report, noting the relevant policies and clarified the definitions under discussion.

Members agreed that more applications to use carbon neutral technology will come to Committee. A vote was taken to refuse the application: 3 in favour of refusal, 5 against refusal.

A vote was taken to permit the application: 5 in favour of approval, 3 against.

Cllr Cumber asked for her vote against approval be recorded.

Cllrs Chandler and Holmes abstained from voting. Cllr Holmes wished for her abstention to be noted and stated that further information would have been necessary for her to come to a decision.

DETERMINATION : PERMIT, subject to conditions set out in the report and for the following reasons:

The proposal lies outside of the village envelope where there is a presumption against such development unless special justification is present in accordance to the above policies. The dwelling will not be occupied by agriculture or forestry worker but will be independently occupied and therefore could be made available as a market house dwelling. PPS7 allows for isolated dwellings in the open countryside if it can be demonstrated that the design is ground breaking and innovative in construction methods. The proposal make use of materials that will be locally sourced using a recycled Dutch barn for the frame and hay bales produced from the farm itself for the walls of the dwelling. The use of green technologies in the form of rain water harvesting, use of photovoltaics, bio mass heating and passive solar support the concepts of sustainable development and in locational terms is considered to be close to existing services to reduce car dependency. The concepts for the dwelling are considered to introduce new technology and addressing sustainability issues. In this respect the building is considered to meet the criteria set out in paragraph 11 of PPS7 with regards to its methods of construction and its contribution to protecting the environment and it is considered acceptable to depart from the development plan policies.

- (3) Reference: 11/00909/FUL**
Applicant: Ms L Young
Location: Vale House, Woolsthorpe Road, Belvoir
Proposal: Mixed use of dwelling house to provide bed and breakfast/commercial. Provision of three camping pods in the grounds

Cllr Botterill left the meeting.

- (a) Applications and Advice Manager (KM) stated that:

This application seeks the change of use of Vale House from a dwelling to a mixed commercial/bed and breakfast use. Permission is also sought for the provision of 3 camping pods within the grounds of the property. Vale House is a detached house

within the Belvoir Estate and is currently unused. Although not listed it is within the Belvoir Castle conservation area and also within the Historic Park and Garden - as such is considered a heritage asset of some significance.

The applicants currently run a consulting and life coaching business which will offer a residential program for participants including leadership development workshops and strategy workshops for between 2 and 5 days duration. These will utilise the conference facilities at Belvoir Castle and the necessary overnight accommodation will be provided in four of the six bedrooms at Vale House on a bed and breakfast basis. There will also be occasional weekend retreat workshops also providing accommodation at Vale House with 'overspill' into the camping pods.

The camping pods are constructed in timber with green felt tiling and are designed to blend in and harmonise with its surroundings. They are to be located towards the rear of the site and will be nestled amongst a belt of boundary trees which will minimise their impact on the garden area. The remote location of the site also ensures that the proposal does not adversely affect neighbours. Accordingly the design and location of the pods is considered to be acceptable and will not adversely affect the character and appearance of the area or the setting of the designated Historic Park and Garden.

The main consideration in this application is whether the site is sustainable in accordance with PPS4. This site is located immediately adjacent to Belvoir Castle but is some distance away from the nearest village. The development is likely to generate some economic benefits at a local level as visitors will spend more in the locality and at a general level will contribute to the quantity and choice of holiday accommodation available. However, it is also considered that the location is such that visitors would inevitably travel to and from the site to fulfil conventional visitor activities. In this respect the location is considered to perform poorly in sustainability terms.

It is considered that a Bed and Breakfast will involve the re-use of the existing historic property which is to be encouraged. However, the proposed pods are new buildings in the countryside and are therefore not strictly in accordance with planning policy. Accordingly there is a balance to be struck between encouraging tourism related uses and the sustainability of the site.

In this instance it is considered that the camping pods would not be prominent in the countryside and the buildings are in keeping with the character and appearance of the site. The pods are proposed to be moveable structures and are limited in number. The proposed usage would only be occasional and would support functions at Belvoir Castle. Accordingly any conflict with sustainability and the guidance contained in PPS4 is limited.

With regards to parking arrangements an agreement has been reached between the applicants and the Belvoir Estate to enable visitors and guests to Vale House to utilise the existing Belvoir Castle car park, thus negating additional traffic movements through the current site access point. Additionally a new signposted footway will be provided within the car park area together with a new hand gate opposite the existing

pedestrian hand gate to Vale House to allow visitors to cross directly between sites. This approach is considered to be acceptable by the Highway Authority given the level of usage anticipated.

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.

The Chair suggested that a condition placing a 3 year time limit on the proposed pods be imposed.

Cllrs agreed that the pods may not suit the site very well.

Cllr Holmes **proposed refusal of the application** stating concerns that current local B&B facilities are underused and questions the necessity of another on this site.

Cllr Illingworth **proposed approval of the application** stating that accommodation is restricted in the Vale and that the pods will be useful overflow to the main house. He is happy that the pod numbers will be restricted but moved an additional condition be applied restricting the presence of the pods to 3 years.

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

Cllr Simpson asked for confirmation of the current use of the site.

The Chair confirmed that the proposal is to change the current domestic use to B&B.

Cllr Baguley **seconded the proposal to refuse** stating that the pods will clutter the site and there is already adequate facility in the area for B&B. Cllr Holmes agreed to incorporate these reasons into her motion to refuse.

Cllrs raised concerns regarding the crossing point and car parking facility.

A vote to permit was taken: 6 in favour to permit, 3 to refuse.
The amendment to refuse was therefore lost.

DETERMINATION : PERMIT subject to the conditions set out in the report, the following additional condition and for the following reasons:

Additional Condition:

The 'camping pods' hereby approved shall be removed from the site within 3 years of the date of this permission.

Reasons:

The proposal is considered to comply with the objectives of the Local Development Framework, regional and national planning policies in terms of generating tourist accommodation and supporting the objectives of PPS4 by contributing to the rural economy and facilitating access to the countryside. Likewise the objectives of PPS5 are supported in terms of the benefits of maintaining and ensuring a new use for Vale House, a significant heritage asset, balanced against the minimal impact of the

camping pods on the landscape

There is a lack of these types of facilities within the Borough and there are many rural tourist attractions within the Vale of Belvoir that would support this proposal. It is considered that the impact on travel patterns and other sustainability considerations would be very limited by its scale and location, such that no significantly harmful effects could be demonstrated.

The proposal is not therefore considered to be contrary to Policies OS2, BE1 and BE9 of the adopted Melton Local Plan

- (4) Reference: 11/00915/FUL**
Applicant: Mr & Mrs Barlow
Location: 2 Mere Rd, Waltham on the Wolds
Proposal: Demolition of existing outbuilding and erection of new dwelling.

Cllr Botterill re-entered the meeting.

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

This application seeks planning permission for the erection of a two bedroom bungalow within the village envelope for Waltham on the Wolds.

There are no updates to report on this application.

The application site lies within the village envelope of Waltham on the Wolds and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of PPS3 in terms of sustainability and housing need. 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. Accordingly the application is recommended for approval as set out in the report.

(b) Andrew Hallam, an objector, was invited to speak and stated that:

- he speaks for other local people
- he lives opposite the application site
- the design is visually intrusive and creates privacy issues with neighbouring properties
- parking provision is insufficient and will exacerbate traffic issues in the area
- the junction is dangerous and the location of the proposal will make this worse
- the proposal is out of character and the footprint too large.

(c) Mrs Jillian Barlow, the applicant, was invited to speak and stated that:

- they had consulted the Highways department to get the best design
- there is off street parking facilities
- the 2 bedroomed bungalow meets a local need
- the siting of the bungalow on the site keeps the corner of the site open and the design mimics the existing character of the street
- a lot of care has been taken to meet policy and design requirements.

(d) Cllr Marks, Chair of the Parish Council, was invited to speak and stated that:

- the proposal is an overdevelopment of the site
- the site is too small and limits access to other properties
- valuable green space will be lost
- the proposal does not reflect the government policy regarding 'garden' development
- traffic is already a problem and this will add to it.

The Applications and Advice Manager replied to Mr Hallam stating that the distance between properties satisfies requirements to maintain privacy; the design and scale mimics the existing dwellings; the corner will remain an open area; the development is within the village envelope albeit currently a garden and provision for off street parking has been made.

Cllrs debated the application discussing issues of:

- parking congestion in the area
- open nature of the corner
- position of the gas tanks and provision for their refilling.

Cllr Baguley **proposed to defer the decision** until further information regarding the gas tanks can be established.

Cllr Illingworth **seconded the proposal to defer the decision** due to traffic concerns associated with servicing the tanks.

The Applications and Advice Manager agreed to make further enquiries as the Members requested.

A vote to defer was taken: 9 in favour of deferment, 1 against.

DETERMINATION: the application was deferred in order to seek clarification of the positioning of gas tanks.

D74. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 2 p.m. closed at 3:55 p.m.

Chairman