



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

13.06.12

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill,
J. Douglas, S Dungworth,
E Holmes, J Simpson

Head of Regulatory Services, Applications and Advice Manager (JW)
Solicitor to the Council (VW), Policy Manager (DP)
Administrative Assistant (JB)

D7. APOLOGIES FOR ABSENCE

Cllrs P. Cumbers, M. Gordon and A Freer-Jones

D8. MINUTES:

(a) D4 : SCHEDULE OF APPLICATIONS

Cllr Holmes asked for clarification regarding the withdrawal of Permitted Development Rights from 2 Mere Road as discussed by Cllr Simpson on pg 9. The Head of Regulatory Services replied; drawing attention to the previous paragraph to Cllr Simpson's on pg 9. This states that control of development on the site is enabled by the withdrawal of Permitted Development Rights as all development would now incur an application but that this does not amount to a moratorium on such development, it simply creates the opportunity to consider proposals which would otherwise be 'permitted development'.

Approval of the Minutes of the Meeting held on 24th May was proposed by Cllr Baguley and seconded by Cllr Simpson. It was agreed that the Chair signed them as a true record.

D9. 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.

D10. SCHEDULE OF APPLICATIONS

- (1) **Reference: 12/00294/OUT**
Applicant: Holme Developments
Location: Land behind 56-60 Church Lane, Long Clawson
Proposal: Change of use from paddock to residential use. Alterations to existing access and development of 4 new dwellings with associated landscaping improvements

(a) Head of Regulatory Services stated that:

The application is for 4 dwellings on a field just off Church Lane in Long Clawson. The application is in outline with all matters reserved except for the access. The application documents specify the type and size of dwellings proposed but the layout is entirely indicative and therefore the normal level of due caution is required.

Update:

- 12 further objections from 8 households to the amended plans from people who had previously commented
- plus a further 6 new objections (5 households) from residents who had not previously commented to the development.

(18 letters have been received since committee report was published)

Summary of the objections lodged by householders who have previously objected:-

- Still outside the VE
- Still highway safety issues - pedestrians, school children etc.
- Still has inadequate parking
- Still has an impact upon character of the area
- Still set a precedent for more development
- Still represents back land development
- Still impacts upon ecology

New issues:-

- Too much development in one area – new app for industrial units Bakers Farm (12/00361/FUL)
- Road cannot cope with more on street parking – when the church has a service it's a nightmare
- previous objections must remain valid
- Suggest that we shouldn't have entertained an application for housing outside the VE – waste of tax payers money and objectors time
- This development is in the open countryside outside the village envelope and should not be even presented to the planning committee.

- In line with the MBC policies this application must be totally rejected, no other outcome would be acceptable!

The **Parish Council** has the same objections to the amended plans for this application as for the original application:

- It is outside the Village Envelope;
- Over-intensive development out of keeping off a small country lane;
- Highway unsuitable for more vehicles. At this corner there are already 4 access points;
- Ecologically sensitive area for great crested newts;
- Local school is already full with no opportunity for expansion

Ecology

We now have the ecology survey report - pond 2 is not accessible so still want to go ahead with the proposed mitigation measures for the presence of newts. Agents have included methods of fencing off of the area during construction as requested by Ecology. Ecological advisors have commented that this is acceptable and recommend a condition to ensure the mitigation measures are implemented at the correct stage.

The Head of Regulatory Services advises as follows: The application is outside the village envelope and contrary to OS2, there can be no dispute about this. It can therefore only be granted if there are material considerations to justify it and the NPPF is cited as the principle consideration that can balance against the Local Plan.

The NPPF provides advice on the weight that older local plans should carry:

*12. Proposed development that accords with an up-to-date Local Plan should be approved, and **proposed development that conflicts should be refused unless other material considerations indicate otherwise.***

Whether a plan is regarded as up to date is not simply the date of publication, but whether its content is consistent with the NPPF. *(Para 215: In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

It is considered the policy in question, OS2, is strongly consistent with the NPPF and therefore up to date for these purposes. Policy OS2 continues to create a protective approach to development in the countryside but makes exception for various types of development deemed justified, i.e. for agriculture, new uses for existing buildings, tourism and economic development in certain circumstances. The NPPF requires us to recognise the intrinsic qualities of the countryside and actively manage development in a manner that take full advantage of sustainable locations and transport linkages, whilst providing for economic growth.

Where a plan policy is deemed not to be up to date and/or there is a shortfall in

housing land supply, the NPPF advises us to determine applications in accordance with the principles of sustainable development. This means:

14. granting permission unless:

• *any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

It is for this reason that the report examines the 'pros and cons' of the application and whilst modest benefits can be identified from the number and type of houses proposed, the adverse consequences to the environment and character of the area, and the poor performance of the proposal in terms of sustainable development (being green-field) are considered to significantly outweigh these aspects.

(b) Dr Anthony Cooper, an objector, was invited to speak and stated that:

- The NPPF makes clear a presumption against development in the countryside
- The site is outside the Village Envelope
- The proposal will be visually intrusive
- The village Conservation Area will adversely affected, especially views from Church Lane
- The access is not adequate
- The development will result in a loss of privacy
- There is no need for this type of development.

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

- He agreed with all the points made by Dr Cooper especially the restrictions outside the Village Envelope where the site is located
- There has been a large number of objectors to the proposal and this should be considered with the new importance placed upon Community Involvement by the Localism Act

The Head of Regulatory Services replied that some points raised by speakers should be considered with caution as the 'outline' application before the Members is of insufficient detail (as is common to this type of application) to be able to adequately anticipate the full impact on local residents.

The Chair stated that John Machin of the Parish Council had contacted the Chair and stated that the Parish Council is against the proposal particularly as it is outside the Village Envelope.

Cllr Baguley, a Ward Councillor for the area agreed with Cllr Rhodes and **moved to refuse the application** because it is outside the Village Envelope.

Cllr Simpson **seconded the proposal to refuse** the application for the same reason.

The Chair stated that she is against encroaching on the open countryside as this

application proposes and that Villages envelopes are very important to local communities.

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

DETERMINATION: REFUSED for the following reason;

This is a green-field site which lies outside of the village envelope within the countryside. Development in this location represents an unacceptable encroachment in to the countryside as the proposal is not one of the `types of development permitted within the countryside by Policy OS2 of the Adopted Melton Local Plan. It would also have a harmful impact on the character and appearance of the area and upon the footpath that crosses the site, and is considered to perform poorly in terms of sustainable development roles set out in the NPPF. Accordingly, there are insufficient other material considerations justification for allowing the development contrary to the development plan.

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- (2) **Reference: 12/00262/FUL**
 Applicant: Mr Richard Gennard
 Location: Former Allotments Main Street, Frisby on the
 Wreake, LE14 2NJ
 Proposal: Demolition of outbuildings and erection of
 4 small dwellings and associated new
 access and parking facilities

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

This application seeks planning permission and Conservation Area Consent for the demolition of outbuildings and the erection of four small dwellings with a new access and parking. The site lies within the village envelope and Conservation Area for Frisby on the Wreake. The site is also a designated Protected Open Area which is currently used as allotments.

Since publication of the report comments have been received from the Melton Mowbray and District Civic Society. The Society objects to the application as the site is within a Conservation Area and close to a listed building and several building of local interest, four dwellings would be incompatible with the village street scene and have an adverse impact on the form, character and appearance of Main Street. The site is a protected open area. The layout would be detrimental to the streetscene with the view for the street being of parked cars, car park and bin store. The drawings show several flights of steps meaning access to the dwellings would be difficult for disabled people. The development would create a traffic hazard. The site is in beneficial use. The layout and location would not be suitable for children. The proposal takes insufficient account of the need for access by emergency vehicles.

In relation to these comments the impact on the Conservation Area, streetscene and character of the area is all addressed within the report. The steps in the site are required due to the topography of the site and inevitably there would be access difficulties to some of the properties. The houses are open market houses and the purchasers of the property would be fully aware of the access arrangements on the site. With regards to emergency vehicle access this would be assessed under building regulations to ensure it would be compliant with emergency vehicle requirements. I have sought advice from Building Regulations who stated that the requirement is 45 metres which the proposed scheme is compliant with.

The application seeks consent for a 'mews' development of 4 no. Two bed dwellings on a site which is in use as allotment gardens and is a designated protected open area. The site is considered to contribute positively to the character of the Conservation Area and provides a community facility which is well used. The use of the site is allotment gardens and policy CF4 of the local plan seeks to prevent the loss of a community facility unless the provisions can be met elsewhere. This is similarly considered to retain relevance as it follows closely the objectives of the NPPF. Whilst the applicant has offered to provide the use elsewhere within the village, the suggested site is not considered to be suitable and has access difficulties which would limit the users, nor has there been a mechanism developed to ensure they will come forward as replacement facilities. The application does offer to provide housing to meet the local need however it this is not considered to be a material consideration of sufficient weight to warrant an approval contrary to the development plan policies listed in the report. Whilst the NPPF seeks to boost housing growth and supports sustainable development this application is considered to be in a sustainable location but there is no presumption in favour of developing on a 'green field' site which would result in the loss of a valued open area. Therefore, the application is recommended for refusal as set out in the report.

The Chair noted that the Conservation Officer's report is the same as on the previous application for the site.

(b) Dianna Patterson, Chair of the Parish Council, was invited to speak and stated that:

- A pre-application meeting held concerning the proposal indicated strong opposition to the application
- There is no village green in Frisby and the allotment site is important to the local community as open space: previous village plans have protected the open space to reflect this
- The open space has a long history in the village, and is important to the character of the village and may be important archaeologically
- The Parish Council believe that there is already adequate numbers of smaller dwellings in Frisby and therefore there is no need for his type of development especially in a Protected Open Area
- The street scene and local listed buildings will be adversely affected further damaging the local character
- The NPPF urges Councils to listen to local communities and the Parish Council also urges the Members to also.

(c) Dr Anthony Cooper, an objector, was invited to speak and stated that:

- There were several errors and omissions in the application documents and therefore he was surprised that the application has got this far
- Highway safety has to be questioned as visibility is restricted by neighbouring houses and parking
- The ecology Report states that there are no bats on the site but local people disagree with this
- Desk based Archaeology Survey suggests that there should be a full survey undertaken prior to determination, however this has not been done

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

- In referring to the officers report: Reason 3 for refusal; this can be met by undertaking Archaeological surveys prior to the development, Reason 2; the owner of the site can provide allotment spaces at another site in the village, Reason 1; regarding policy– this a matter for interpretation which he disagrees with the officer especially on the ‘harm’ of the loss of one small Protected Open Area
- He drew attention to the fact that that there is no official public access to the site
- The site has a valid and current planning approval at the entrance to the site which would effectively block access to the whole site so the allotment use could be withdrawn if that permission was implemented, and
- Planning regulations do not exist to protect private views across the site
- There is a recognised need for small dwellings
- The site is sustainable, in a central position in the village
- The applicant is willing to provide alternative areas for allotments
- The design is an improvement on what exists on the site
- It is an efficient use of underused land, and
- Therefore the public benefit is substantial.

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

- Locals residents have made clear their feelings regarding the development, including; there are few open spaces in the village and therefore this one should be protected, if this land is lost it provides a precedent for other development on Protected Open Areas, the proposed access is not safe and the site is locally considered to be the ‘village green’ and should be afforded some protection.

The Applications and Advice Manager replied:

Notes that Mrs Patterson pointed out the possible archaeological interest on the site which is also referred to in the Desk Based Archaeological Report; Reason 3 for

refusal, stated that insufficient information regarding this archaeological interest was received from the applicants. Mr Fairhurst suggested that this become a condition as part of an approval for the application however, an archaeological Survey would be necessary **before** determination as pointed out by Dr Cooper.

Regarding Mr Fairhurst's other comments: the development cannot be considered 'sustainable' as it is a Protected Open Area; 'sustainable' refers to wider considerations than only its position within the village including its green-field condition. The previous approval referred to from 2009 would result in development at the entrance to the site and would not affect the Protected Open Area. The policies considered (OS1, BE1, BE12 and CF4) are clear that the need for new dwellings does not outweigh other material considerations.

The Policy Manager was asked by the Chair for comments. The Policy Manager agreed with the Applications and Advice Manager and added that the NPPF in paragraph 69, states that local facilities and services should be protected from unnecessary loss. He also stated that the report correctly quotes Council Policy that protected green spaces should not be built upon.

Cllr Holmes moved to **refuse the application.**

Cllr Dungworth **seconded the proposal to refuse the application.**

Cllr Baguley noted that the development is pleasant looking but its siting is inappropriate. The Chair agreed with this comment.

Cllr Simpson stated her support to refuse the application as it is not supported by Council Policy.

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

DETERMINATION: REFUSE, for the following reasons:

- 1. The proposed development would result in the erection of a housing development on a Protected Open Area which makes a significant positive contribution to the form and character of the area. The development would adversely affect the area's intrinsic open character and would be harmful to the character and appearance of the area and would therefore be contrary to policies OS1, BE1 and BE12 of the adopted Melton Local Plan. The house types provided, whilst considered to support the Borough's housing needs, are not considered to represent a benefit of sufficient weight to outweigh the impacts on character and appearance and departure from these local plan policies.**
- 2. The proposed development would result in the loss of a valuable community facility for residents of Frisby on the Wreake to the detriment of the community, contrary to policy CF4 of the adopted Melton Local Plan and suggested alternative facilities are not considered to represent an adequate replacement.**
- 3. Insufficient information has been submitted by the applicant for the**

Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains, contrary to the NPPF "Conserving and Enhancing the Historic Environment" and the East Midlands Plan Policy 26 "Protecting and Enhancing the Regional's Natural and Cultural Heritage" and 27 "Regional Priorities for the Historic Environment"

D11. URGENT BUSINESS

Members debated with Officer the best date available for the special meeting for the application 10/00951/FUL and agreed that a date of 26th July was the optimal date. It was agreed that this meeting should be dedicated entirely to application 10/00951/FUL and that the meeting scheduled for this date should be rescheduled for one week later, 2nd August.

The meeting commenced at 6:00 p.m. and closed at 7.00 p.m.

Chair