



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

05.07.12

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill, P. Cumbers
J. Douglas, S Dungworth, A Freer-Jones, M. Gordon,
E Holmes.

Head of Regulatory Services, Applications and Advice Manager (JW)
Housing Policy Officer (SM), Administrative Assistants (JB and GB)

D12. APOLOGIES FOR ABSENCE

Cllrs J Simpson.

D13. MINUTES:

Approval of the Minutes of the Meeting held on 13th June was proposed by Cllr Holmes and seconded by Cllr Dungworth. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D14. 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.

D15. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00043/FUL
Applicant: Mr A Girvan - Campbell Buchanan
Location: Land Between 12 And 23, Old Manor Gardens, Wymondhar

Proposal: Erection of 4 two bedroom semi-detached dwellings, car parking, landscaping, fencing and associated works.

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the erection of four 2-bedroom semi detached dwellings on land between 12 and 23 Old Manor Gardens, Wymondham. The site is currently used as open space within a residential development of 18 dwellings and lies both within the village envelope and conservation area for Wymondham.

There is an error in the report on page 2, the reference number for the 2003 application should read 03/00897/FUL and not 879 as reported.

There are no updates to report on this application.

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed properties are in keeping with the design, materials, details and finishes of the neighbouring properties and in this respect are considered acceptable. The layout of the dwellings are also considered to follow the existing built form and replicate the spacing of dwellings and car parking arrangements. Amended plans have been submitted to improve the relationship of the proposed dwellings with those on Nurses Lane and increase the distance separation to over 27 metres. It is considered that this relationship to properties on Nurses Lane is now acceptable and would not have an overbearing and oppressive impact on No 12 Nurses Lane to the detriment of the residential amenity of this property. The relationship of the proposed dwellings with surrounding properties is also considered to be acceptable.

However, the principal concern with this application is the erection of the dwellings on an existing open area of land. It is considered that in building on this site the dwellings would be detrimental to the character and appearance of the area and will adversely affect the setting of the Church and associated heritage assets. Therefore, the application is recommended for refusal as set out in the report.

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

- The local residents believe the conservation area will not enhanced by the proposal
- The proposal will dominate, overlook and invade privacy of local residents
- The amendments did not mitigate the issues raised above
- The number of cars will increase which causes concerns
- The site was undeveloped in the original application. Approval would not have been given if the scheme with this proposal was included hence this approval should not be granted.

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

- The design of the 4 small dwellings is to a high standard

- The site is within the village envelope and not a protected open space, if it had been an important open space it would have been protected
- The proposal meets a need for smaller dwellings
- New occupants of the dwellings will support local business
- The proposal is of the same high quality as the rest of the development, especially the materials used and will match well with the village character
- Landscaping has been carefully considered and the development is screened to protect views of the church
- The scheme meets policy, is in a sustainable location and is supported by the NPPF.

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

- He supports the officers recommendation as does the Parish Council
- The current development is of a high a high standard; the open space adding to the character of the area

The Applications and Advice Manager replied:

- Regarding concerns raised on the site visit regarding the height of the proposed dwellings; the site section submitted indicates the comparative heights of the development with the neighbouring properties on Nurses Lane.
- Answering Mr Pople's question regarding privacy and dominance; the finished floor levels and overall height of the dwellings can be conditioned to reduce adverse impact.
- Answering Mr Girvan; the proposed design is acceptable and meets assessed housing needs but these considerations have to be balanced against the loss of the amenity of the open space and the impact on the conservation area.

Members raised concerns regarding the levels on the site (the development would be 2m higher than No12 Nurses Lane) and the loss of the open area.

The Applications and Advice Manager replied that the area is not a Protected Open Area and does not benefit from Policy BE12 consideration, however there is an acknowledgement that the open area was part of the original application and its loss would impact on the character of the existing development. The Applications and Advice Manager confirmed the 2m height difference and added that the properties concerned would be 27m apart.

Cllr Baguley **proposed to refuse the application** but wished to add a further reason to the refusal in that the development would be overbearing.

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

Cllr Botterill stated that adding 4 dwellings is overdeveloping the site and perhaps 2 dwellings would have been more appropriate. He believes that the proposals would

not be overbearing on Nurses Lane due to the distance between them.

Cllr Dungworth stated that Nurses Lane is a good example of a rural lane and this proposal did not enhance it. He agreed with Cllr Botterill that 2 dwelling would have been preferable to 4.

The Applications and Advice Manager confirmed the reasons for refusal proposed by Cllr Baguley and Cumbers.

A vote was taken. 8 voted to refuse and 1 voted against refusal.

DETERMINATION: REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority the development of two pairs of semi detached two storey dwellings on an open area of land would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent Grade I listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF.

2. The proposed development, by virtue of their height and positioning on land at a higher level, would result in an overbearing impact on the houses opposite on Nurse's Lane, to the detriment of the amenity of the occupants of these properties, and would be contrary to policies OS1 of the Adopted Melton Local Plan.

(2) Reference: 12/00368/FUL
Applicant: Mr G A Bottom
Location: 2 Main Street Wymondham LE14 2AG
Proposal: Erection of New Dwelling

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

This application seeks planning permission for the erection of a three bedroom detached dwelling to the side of No. 2 Main Street. The site has planning permission for a two bed property and this application seeks to increase the number of bedrooms to that approved. The site is located in the village envelope for Wymondham.

There are no updates to report on this application.

The main issue with this application is whether the proposal complies with Policy. The site lies within the village envelope and benefits from a presumption in favour of

development. The village of Wymondham is considered to be a sustainable location to support new dwellings. However, the erection of a three bed dwelling is not considered to comply with meeting the Boroughs housing need and a judgment is required as to whether the proposal is acceptable. In this case the increase in size to accommodate a third bedroom to not so excessive in size as to be considered harmful as it would not exacerbate the oversupply of 'executive' dwellings and therefore the application is recommended for approval as set out in the report.

Cllr Holmes stated that the proposal for a 3 bedrooled dwelling is acceptable and **proposed to approve the application.**

Cllr Botterill **seconded the proposal to approve the application.**

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

DETERMINATION: APPROVED for the following reason:

The application site lies within the village envelope for Wymondham and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area. The dwelling as proposed is not considered to support the Borough's housing needs as an open market dwelling, however, it is not so excessive in size to be harmful to the Borough's housing needs objectives and would not exacerbate the over supply of 'executive' dwellings. The NPPF seeks to support housing growth with an aim to support sustainable development. The village of Wymondham is considered to be a sustainable village having a level of public services to support existing and future residents.

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- (3) **Reference:** 12/00373/FUL
 Applicant: Mr Paul Busby
 Location: 3 Church End, Nether Broughton, Melton
 Mowbray LE14 3ET
 Proposal: New dwelling with attached garage

The Head of Regulatory Services stated that:

- A further representation has been received from an objector
- This expresses concerns that;
 - The applicants plan misrepresents the Village Envelope (VE)
 - The previous application should have been referred to Committee
 - The report does not accurately describe the extent to which the house breaches the envelope

- The report does not convey objections to junction safety in enough detail. It should explain that the pavement width is so narrow that drivers will need to protrude into the road to obtain visibility
- The previous grounds for refusal on highways grounds have not been overcome.
- The adjacent house (the objectors) was required to be wholly within the VE.

In response to these:

- For the avoidance of doubt, the relationship of the village envelope was shown on the overhead image.
- The previous application did not meet the criteria for Committee presentation.
- The Council is duty bound to make public all application documents, regardless of content. “ This does not however affect the assessment, as this example demonstrates.
- On access, Highways are now satisfied that the previous reasons have been overcome because the proposals improve the visibility of an existing access, widen the footpath and create the opportunity for the adjacent property to improve visibility. On balance these benefits outweigh the impact of the traffic from one additional house.

The key issue however is considered to be the village envelope. As the overhead shows, the building pierces the village envelope. However, officers consider that breaching it by this amount will not cause a projection into the countryside nor therefore undermine the purpose of the envelope of protecting the countryside. We consider therefore that no harmful impact can be shown and therefore there are inadequate grounds for refusal.

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

- He apologised that he could not make the site visit due to a prior appointment
- The Highways consultation reply on the previous application for the site recommended refusal due to increases in traffic, so what has altered on this application to warrant a change in recommendation?
- The Village Envelope (VE) cuts across the site and the development is approximately 70% outside of the VE
- A neighbour was told that their proposal would have to be entirely within the VE, so why is this proposal crossing the VE?

Head of Regulatory Services replied to Cllr Orson:

- The LCC Highways comments were quoted from the report to provide clarification on the changes to the issues arising.
- The approach to development has altered since the introduction of the NPPF, including the VE; which has led to changes in how applications are considered. It is acknowledged that the proposal does cross the VE but the

'harm' still has to be demonstrated by this. Also, Nether Broughton is a sustainable location for small levels of development.

The Chair sympathised with Cllr Orson regarding the restrictions of the VE and agreed that the VE should be adhered to.

Head of Regulatory Services replied that there have been several examples of when the VE has been breached if there has been no demonstrable harm to the open countryside.

Cllr Holmes stated that the members should stand by the VE restrictions. She also stated that the access gives her cause for concern. She **proposed to refuse the application** due to the proposal crossing the VE, the increase in traffic on an already busy road and the 'back-land' proposal being out of character with the village.

Cllr Baguley agreed that the road is very busy and **seconded the proposal to refuse the application.**

Cllr Botterill disagreed with the Members and stated that the VE should not hinder development in cases like this. He also stated that he believed that some VEs should be updated.

Cllr Dungworth agreed that VEs should not be a hard line on the map and that there should be some flexibility. However, although there may not be any harm to the crossing of the VE he was concerned that it would set an adverse precedent.

Cllr Gordon stated that she felt it was not a problem to develop on the boundary of the VE and stated that as applications were considered on their own merit she disagreed that there would be a precedent set.

Cllr Douglas agreed with Cllr Botterill that there should be some revisions of VEs. She did not want to see villages sprawling but believed that there would be no harm here.

Cllr Freer-Jones asked for clarification regarding the NPPF and the original reason for refusal.

Head of Regulatory Services replied that the proposal has been reduced in size to overcome the previous reason for refusal and now meets an identified housing need.

A vote was taken. 7 voted to refuse with 2 voting against refusal.

DETERMINATION: REFUSED for the following reasons:

1. The proposed dwelling would project beyond the village envelope of Nether Broughton and would protrude into the open countryside, to the detriment of its' character and appearance. It would therefore be contrary to Policy OS2 of the adopted Melton Local Plan.

2. The proposal, would result in an unacceptable increase in traffic entering Church End which lacks appropriate visibility for the speed and quantity of traffic and would lead to increased dangers for road users.

3. The proposed development would result in a 'backland' form of development at this part of Church End which would be out of character with, and detrimental to, the character and appearance of the area. The development would therefore be contrary to Policies OS1 and BE1 of the adopted Melton Local Plan.

- (4) **Reference:** 12/00384/FUL
Applicant: Mr Peter Burrows – Rochford Homes Ltd
Location: Craven Lodge, Burton Road, Melton Mowbray, Leicestershire LE13 1DJ
Proposal: Erection of 2 bedroom detached cottage with separate garage and store to form new gatehouse.

Head of Regulatory Services stated that:

- No updates to report
- Key issue for consideration is considered to be whether the proposal complies with policy BE12
- BE12 does not create an outright moratorium on development but requires that it “doers not affect the intrinsic character”
- Our view of the character of the site is that it provides a large, heavily treed green relief to the area. We believe that the house proposed can be accommodated within this and neither it, nor the limited tree loss it would incur, would significantly affect this contribution.

Cllr Baguley stated that it was a nice development but it was a shame to lose mature trees. She asked that the quality of development in this application reflect the standard seen at Craven Court. She also went on to ask that a fence be retained to keep the character of the area. **She proposed approval of the application.**

Cllr Botterill **seconded the proposal to approve the application.**

Cllr Cumbers asked that the landscaping incorporate more mature tree planting, rather than just saplings.

Head of Regulatory Services stated replied that condition 6 could accommodate this request.

Cllr Holmes disagreed with Members and stated that the proposed new dwelling was unnecessary and out of keeping with the area. She stated that there being a

gatehouse there historically was not reason enough to replace it. She also stated that the site would be dark due to the mature trees surrounding it and a dangerous place for children to play.

Cllr Freer-Jones agreed that although there was an identified need for smaller dwellings she felt that there was no need for one in this location. She asked that there be restrictions placed on the land to prevent further development.

Members asked that the design reflect the original gatehouse and that the standard reflect Craven Lodge.

A vote was taken. 7 voted to approve the application and 2 voted to refuse.

DETERMINATION: APPROVED for the following reasons and with an additional condition

Reasons:

The proposal seeks consent for a 'gatehouse' style development in the form of a modest two bed cottage within the grounds of a listed building. The site also has a protected status through the local plan because of its contribution to the intrinsic character of area. Local Plan policy BE12 is considered to retain full relevance due to its consistency with the content of the NPPF and seeks to prevent development on Protected Open Areas unless it is in associated or in conjunction with an existing use and then only if the intrinsic character is not affected. It is considered that the proposal introduces a dwelling that meets local identified housing needs, has been sensitively designed and will comply with sustainable development objectives. It is demonstrated that the intrinsic character can be maintained and satisfactory highway requirements can be met

Additional Condition:

The metal railings forming the west boundary of the site shall not be removed during the construction process and shall be permanently maintained thereafter.

D16. URGENT BUSINESS

None.

The meeting commenced at 6:00 p.m. and closed at 8.00 p.m.

Chair