



SPECIAL MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

02 August 2012

PRESENT:

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

Head of Regulatory Services, Solicitor to the Council (SK),
Planning Policy Officer (PG), Administrative Assistant (JB)

D22. APOLOGIES FOR ABSENCE

None

D23. 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.

D24. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00361/CO U
Applicant: Mr KJ And RM Eggleston
Location: Land Adjacent 54 Church Lane, Long Clawson, Melton Mowbray, LE14 4ND
Proposal: Change of use of agricultural buildings to use for B1 uses

(a) The Head of Regulatory Services stated that:

- Change of use to B1 Purposes – no physical alterations are proposed.

- Important to understand that B1 has a very specific definition in law is provided at the bottom of page 7 of the report.
- Objections have been concerned with traffic generation but it is considered that (a) the quantity and nature of traffic associated with B1 would be light and (b) it would displace agricultural traffic which is likely to be 'heavier' and the number uncontrolled.
- The application complies with the Local Plan policy (C6) and is also supported strongly by the content of the NPPF.

Cllr Baguley, a Ward Councillor for the area asked that should the Members be minded to permit the application then a condition requiring future any changes to the site come before the Committee and that the proposed opening times of the site be altered.

The Head of Regulatory Services stated that future changes to the site would require planning permission in their own right if the Members were minded to approve the application.

Members discussed at length the opening hours of the development concluding that a 7am start was perhaps too early in close proximity to residences even though the previous use of the site had been agricultural and had been earlier operating times on occasion. Members agreed that they did not wish to restrict commercial viability with unreasonable stipulations but that the nuisance to neighbours must be minimised. Members asked if operating hours could be agreed at a later date when the type of business occupying the units is known.

The Head of Regulatory Services replied that the hours of operation would have to be agreed at this stage as the application is seeking to change the use of the site and therefore the hours of operation are relevant at this point.

Cllr Baguley moved to **permit the application** with opening hours restricted to 8am to 6pm weekdays and 8am till 1pm Saturdays. The Head of Regulatory Services confirmed the condition wording for Members.

Cllr Holmes **seconded the proposal to permit the application.**

Cllr Gordon **proposed an amendment to the conditions** that access is available at all times to the garages of 54 Church Lane.

Cllr Dungworth **seconded the amendment.**

A vote was taken on the proposed amendment: 7 in favour and 1 against.

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

DETERMINATION: PERMIT, for the following reasons and subject to amended and additional conditions:

The proposed development is considered to comply with the objectives of the applicable Development Plan policies. It represents development in keeping with the

rural character of the area with satisfactory access and parking and has no significant adverse impact upon the amenities of neighbouring properties or the visual appearance of the area. The NPPF seeks to promote economic growth in sustainable locations through the reuse of existing buildings in countryside locations. The proposal is therefore considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

Amended condition:

The business, trade, working or other operations, including manoeuvring, loading and unloading of heavy good vehicles, on the premises (other than office cleaning and office work) shall take place only between the hours of 08.00 and 18.00 on weekdays and 08.00 and 13.00 on Saturdays, and not at any time on Sundays or public holidays.

Additional condition:

The access to the dwelling adjacent to the site, no 54 Church Lane, shall remain free from obstruction at all times.

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- (2) Reference: 12/00218/OUT**
Applicant: AE Faulks Ltd
Location: Car Park, Station Road, Old Dalby
Proposal: Outline application for operations centre for AE Faulks Ltd.

(a) The Head of Regulatory Services stated that:

- Proposal is the relocation of a business from a location in Hickling. It is an outline application comprising siting and access, but not the design of the building (indicative drawings of this are supplied, but it remains a reserved matter)
- The site has industrial use at present in the form of a storage and distribution depot for temp buildings, but physically comprises only a hard standing.
- The site is in open countryside and subject to Local Plan policy OS2. The building proposed is considered to exceed the 'small scale' criteria permitted by OS2.
- However, the NPPF strongly supports economic development and of course the site has industrial use, we consider this creates a tension between LP policy and wider objectives set out in the NPPF.
- Our view is that the location is remote and almost entirely dependent upon the car and as such the support gleaned from the NPPF is compromised, because of its emphasis on sustainable development. This site is not regarded as fully sustainable because of its location, and as such the balance falls towards OS2 and its objectives.

Highways did not agree to any figures either for the previous use or the proposed use. They concluded that the proposed use probably would lead to an increase in traffic generated, despite the applicants material.

However given that the applicants agreed to provide an improved vehicular access than currently serves the site and:

- i) the fact that recently a reduced the speed limit has been put in place in Nether Broughton,
- ii) the recently carried out junction improvements at A606 and Dalby Road and
- iii) the background level of traffic already on Station Road,

Highways consider there is not a defensible reason for refusal on the grounds that any increase in traffic from the site would lead to increased highway dangers. This takes into account the NPPF requirement to refuse only when **severe** harm arises.

Cllr Cumbers entered the Committee Meeting and apologised for not attending earlier. The Chair reminded Cllr Cumbers that she could not vote on the current application as she had not heard the full report from the Officer.

(b) Mr Dorn, on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council agreed with the Officers report
- The County Council Highways department originally believed the local road network to be unsuitable but then altered its opinion. This is cause for confusion and concern especially as the road is busy and used by children walking to school and would not be able to support an increase in traffic
- The proposals are contrary to the Council's policy OS2 being in the open countryside and this type of development would be best suited to a more urban setting
- The development is neither small scale or in a sustainable location.

(c) Mr Fairhurst, agent to the applicant, was invited to speak and stated:

- The applicants are a local business supporting the local area and employing local people
- The business has outgrown its current site and needs to move to expand. Not to do so will result in lost work
- The site is on an HGV route and near Business Parks which already have created an increase in traffic; therefore the possible increase in traffic of the application has received a precedent in the immediate area
- There will be limited numbers of people on site during the day as the rest of the workforce will be offsite
- The site is sustainable as the business caters for a large area to which the site is centrally placed therefore it is best placed for clients, employees and adjacent businesses

- The Nation Planning Policy Framework supports economic development in rural areas that is sustainable.

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

- The nearest property to the proposal is nearer than 80m not further away as the Officer's report suggests
- The agents claim that there is a local bus service but the limited current service is about to be reviewed, leading to questions of accessibility of the site for employees
- The traffic builds up on the highway near the site leading to concerns about the increase in traffic generated by the proposal
- The increase in HGVs on the already poor roads will lead to further deterioration of the surfaces
- No residents are in favour of the development which will be in the open countryside contrary to the Council's policies

The Head of Regulatory Services replied to issues raised by Mr Dorn: that although disagreeing with traffic figures offered by the applicant; improving the access to the site had mitigated some of the previous issues that the Highways department had. Replying to Mr Fairhurst, there was no proof of an increase in *overall* journeys created by earlier proposals in the business parks nearby and therefore their sustainability had not been an issue previously.

Members agreed that currently employees had to travel to Hickling and therefore traveling to Old Dalby would not amount to an increase in travel for them but the expansion of the business would lead to securing employment for local people. They also agreed that the tarmac hard standing of the site currently creates the impression of a brownfield site rather than a greenfield site in the open countryside. Therefore it is suitable for this kind of development if restrictions are placed on the size and scale of the buildings on site.

Cllr Holmes stated that the site is appropriate for this kind of development and an improvement on their site at Hickling and **proposed approval of the application**. She asked that vehicles be diverted to the main road at Nether Broughton (A606).

Cllr Botterill **seconded the proposal to approve the application** and stated that Members should support economic development in the rural community.

The Head of Regulatory Services confirmed the reasons for approval and the conditions proposed.

A vote was taken. 7 voted to permit, 1 voted against and 1 abstained (Cllr Cumbers due to her missing the officer's report).

DETERMINATION: PERMIT, for the following reasons and subject to the following conditions:

In the opinion of the Local Planning Authority the proposal would, if approved, be

contrary to Policy OS2 of the adopted Melton Local Plan. However, the development would introduce an employment use in a location that currently benefits from industrial usage in the form of the storage of portable buildings. Accordingly, the use would occupy a brownfield site, would not represent a significant intrusion into open countryside and would not introduce traffic that would significantly increase the flow on Station Road. The NPPF encourages the support of economic development including enterprises in the rural locations (para 28). In view of the nature and background of the site, it is considered that the advice of the NPPF is sufficient to outweigh the policies of the adopted Local Plan and permission is justified.

Conditions:

1. No development shall commence on the site until approval of the details of the external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. Notwithstanding the details submitted, the site shall be served by a single point of access located at a position towards the western end of the site, the details of which shall have been submitted to and approved by the Local Planning Authority before development commences. Such details to comply with Leicestershire County Council design standards for industrial accesses, including width, radii, surfacing, drainage, visibility splays etc. All existing vehicular accesses shall be permanently closed and reinstated as footway before the development is first brought into use. Once the access has been provided in accordance with the approved scheme, it shall thereafter be permanently so maintained.
4. Any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

5. Before the development hereby permitted is first used, off-street car parking/lorry parking provision shall be made within the application site. Details of which shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
6. The existing site boundary fence shall be set back a minimum of 2 metres from the edge of carriageway on Station Road, and all existing vegetation that overhangs or is within 2 metres of the edge of carriageway of Station Road shall be permanently removed before development commences, and thereafter no planting shall be erected or allowed to grow within 2 metres of the edge of carriageway of Station Road.
7. Before the development is brought into use, a signage shall have been provided both within the site and within the highway, advising that all HGV's must enter and leave the site without travelling through Old Dalby village. All details of the signs must first have been submitted to and approved by the Local Planning Authority. Once provided the approved signage shall thereafter be permanently so maintained.
8. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site above a height of 3.5m from ground level.
9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

(3) Reference: 12/00380/TPO
Applicant: Crawford and Company
Location: 1 Faldo Drive, Melton Mowbray
Proposal: Removal of 1 Lime Tree

(a) The Head of Regulatory Services stated that:

- Key issue here is whether the evidence persuades you that the tree is responsible for the damage
- Expert advice is that the monitoring of land levels has not been sufficient in length. The advisor explains that two dry winters followed by periods of heavy rain may be responsible for the 'land heave' and without longer term monitoring it is premature to attribute this to the tree.
- Accordingly, it is considered approval is not justified at this stage, but we need to remain open minded that the position may change in future.

Cllr Baguley stated that she believed there was little movement since the

Committee's last site visit and **moved to refuse the application to remove the Tree Preservation Order** restrictions on the tree, allowing for it to be removed.

Cllr Simpson agreed and **seconded Cllr Baguley's proposal**, stating that the tree was in good health and the extension to the dwelling was placed inappropriately close to the mature tree, although she added that trimming the tree would be acceptable.

Members agreed that adverse weather conditions could have caused movement in the ground. They also agreed that until the results from the removal of other trees in the vicinity are understood, the removal of the Lime tree is unacceptable.

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

DETERMINATION: REFUSE, for the following reasons:

In the opinion of the Local Planning Authority the Lime tree which is the subject of this application is in a healthy condition and has a significant amenity value in this location as part of a linear group of trees. The proposal would result in the loss of a tree which is protected by a tree preservation order. The tree is considered to be healthy and make a significant contribution to the amenity of the area and there are no circumstances which have altered since the Order was originally served that justify its removal. The removal of the tree would disrupt the linear feature linking the limes on either side and justification is not considered sufficient to warrant its removal. Insufficient information has been submitted with the application in order to justify its removal.

(4) **Reference:** 11/00508/ADV
Applicant: Melton Borough Council
Location: Parkside, Station Approach, Burton Street,
Melton Mowbray, LE13 1GH
Proposal: Monolith free standing sign with ground
based spotlight.

(a) The Head of Regulatory Services stated that:

Additional objection from MM and District Civic Society

- The sign is not needed
- There is no evidence that such a large, poorly-designed, sign, similar to that used by car dealerships, is required.
- There is no evidence why it would be acceptable on the edge of the Conservation Area and would not adversely affect the setting of nearby listed buildings.
- The National Planning Policy Framework acknowledges that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. The sign suggested has little aesthetic merit and there is no evidence that it will reinforce local distinctiveness.

- A ground-positioned floodlight in a town centre location is likely to attract vandalism
- The Council office site is has become cluttered with lamp-post, signs and cycle-racks any further, unnecessary, signage should be avoided.
- The proposed sign would detract from the excellent planting schemes that have been carried out by the 'Melton in Bloom' team.

Cllr Simpson stated that the modern signage is suitable for a modern building.

Cllr Holmes stated that she found the proposed sign to be 'ghastly'.

Cllr Dungworth agreed with Cllr Simpson and **proposed to permit the application.**

Cllr Baguley **seconded the proposal to permit the application.**

A vote was taken. 8 voted to permit, 1 abstained.

DETERMINATION: PERMIT, for the following reasons:

It is considered that the design of the signage is efficient, effective and simple in accordance with the guidance contained within the NPPF, and will not have any adverse effect on public safety or amenity. With regards to the Conservation area, the design of the signage is appropriate to the host building and surrounding site which it is to serve. The siting and design is considered to be acceptable in terms of highways standing advice subject to the luminance of the lighting being within the advised levels.

(5) Reference: 12/00416/TCA
Applicant: Mr Edward Hutchison
Location: Tithe Barn, 20A Water Lane, Frisby on the Wreake
Proposal: Lifting of lower limbs, thinning of crown and removal of dead wood to Oak tree ; lifting and thinning (by 20%) the crown of Copper Beech and removal of Sycamore (to be replaced with another tree)

(a) The Head of Regulatory Services stated that:

- No comment to add

Cllr Simpson stated that she had visited the site that morning and agreed with the officer's report. She **proposed approval of the application.**

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

A vote was taken. 8 voted to permit, 1 abstain.

DETERMINATION: APPROVE, for the following reasons:

It is considered that the proposed works are acceptable and that the loss of the Sycamore would be ameliorated by those remaining, preserving and encouraging the Oak to flourish further.

D25. DEVELOPMENT CONTROL PERFORMANCE 2012/13 (QUARTER 1)

The Head of Regulatory Services stated:

- General message is that the level of performance is stable and at an acceptable level
- No appeals since NPPF came in at the end of March

The chair thanked The Head of Regulatory Services for the performance report and congratulated the department for maintaining standards.

She specially mentioned Paul Green who she thanked for covering Mrs McMahon's maternity leave and commented that he is an experienced and capable officer.

D26. URGENT BUSINESS

None

The meeting commenced at 6:00 p.m. and closed at 7:10 p.m.

Chair