



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

27 September 2012

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill
J. Douglas, M. Gordon, E. Holmes
A Freer-Jones, T. Moncrieff, J Simpson

Head of Regulatory Services, Applications and Advice Manager (JW)
Planning Officer (DK), Planning Policy Officer (PG and KM)
Administrative Assistant (JB)

D36. APOLOGIES FOR ABSENCE

Cllrs P. Cumbers and S. Dungworth

D37. MINUTES

Approval of the Minutes of the Meeting held on 2 August 2012 was proposed by Cllr Baguley and seconded by Cllr Simpson. The committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

Approval of the Minutes of the Meeting held on 16 August 2012 was proposed by Cllr Baguley and seconded by Cllr Gordon. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D38. 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.

D39. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 11/00677/FUL
Applicant: Steve Butler
Location: Hindle Farm Melton Spinney Road, Thorpe Arnold, Melton Mowbray
Proposal: Erection of a 50 m to hub height single wind turbine generator with associated transformer, foundations, crane hard standing, access tracks, and temporary construction compound.

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

This application relates to the erection of a single wind turbine at Hindle Farm, Melton Spinney Road, Thorpe Arnold. Following the publishing of the report additional information has been submitted by the applicant, a proposed mitigation scheme and updated ZTV's. This has been submitted in order to overcome the Officer's reason for refusal based on the harm on the landscape resulting from the construction of the heavy duty track and Gabion wall required for retaining purposes and it is the applicant's view that the Gabion wall will have limited impact upon the landscape due to the topography and natural screening.

The information provided has not been subject to formal consultation and therefore it is recommended that the application be deferred as this process is required to be carried out before the application can be determined.

Cllr Moncrieff entered the meeting at 18:05

The Chair welcomed Katie Mills, a new member of staff on the Planning Policy team.

Due to important information and amendments becoming available after the Officer's Report had been published Cllr Holmes suggested deferment of the application to allow proper consideration of the application.

Cllr Baguley agreed with Cllr Holmes and **proposed to defer the application.**

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

On being put to the vote the proposal to defer was approved unanimously.

DETERMINATION: Application DEFERRED to allow consultation on the recently submitted information.

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- (2) **Reference:** 12/00407/FUL
Applicant: Winterbeck Manor Stud
Location: Field South of Lodge Farm, Barkestone Lane, Bottesford
Proposal: Erection of dwelling, stables, new access and access road, horse walker, lunge ring, muck bunker, loading ramp and nursery paddocks.

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the erection of a dwelling, stables, access, horse walker, lunge ring, muck bunker and nursery paddocks in a field south of Lodge Farm on Barkestone Lane, Bottesford. The site is currently used for grazing and lies within the designated open countryside.

The application is proposing an extension to an existing stud situated on Belvoir Road in Bottesford. This site is not intended to replace the site on Belvoir Road and if approved both sites would still operate.

The proposal is considered to be supported in terms of principle by the National Planning Policy Framework (NPPF). Paragraph 28 specifically states that all types of business and enterprises in rural areas should be supported through the conversion of existing buildings and well designed new buildings. The application has been supported with a justification statement for the expansion of the business in addition to its current site and the requirement for a dwelling for a rural worker to live at or close to their place of work in line with paragraph 55 of the NPPF. This has been assessed and it is considered that there is a need for a rural worker to live on the site. The proposal is considered to comply with policy OS2, however it does not comply with policies C4 and C5 of the Melton Local Plan which relate to the erection of stables within existing groups of buildings. Therefore a judgment is required as to the merits of the proposal due to the conflict of policy between National and Local Plans.

In this instance the rural enterprise is strongly supported by the NPPF and the applicants have shown that there is a need for a rural worker to live on the site, therefore the main consideration is the impact on the open countryside. It is considered that due to the scale of the proposal and the level of screening that the proposal would not be a significant feature in the landscape.

Comments have been submitted from the applicant in relation to the Section 106 (s106) Legal Agreement. They have stated that they are happy to have the following included in the s106 agreement:-

1. First occupancy of the application site must be by Winterbeck Manor Stud
2. That the dwelling and land at Barkestone Lane cannot be sold off independently from the Stud Land at Belvoir Road (excluding house) unless the applicant can prove that the stud is no longer commercially viable (in the reasonable opinion of both parties) to operate from both of the sites in which

case the applicant may dispose of the land in which their opinion has become redundant.

3. That the dwelling and land on Barkestone Lane shall only be used as a stud and not a livery yard or riding stables
4. That the stables on the application site shall not be converted to residential use

In response to this, the recommendation is to permit subject to a Section 106 to secure the link between the existing business and dwelling at Belvoir Road and the proposed dwelling and extension to business at Barkestone lane. The agents have stated that the existing dwelling on Belvoir Road is not occupied by someone involved in the stud and is separate from the stud. It is only the land on Belvoir Road used for the stud. The application is proposed to extend the stud and the Equestrian advisor has stated that the site on Belvoir Road cannot be extended and hence the need to extend on Barkestone Lane and the dwelling is required for someone to live on the site and oversee the business operating on this site. Therefore, Members need to consider whether it is necessary to tie the existing house so long as both businesses are tied together. In considering this request as it has become apparent that the existing house is not occupied by someone involved in the day to day running of the stud, the extension to the stud is considered acceptable in terms of need and it is considered necessary for a rural worker to live on the proposed site at Barkestone Lane. Therefore, it is considered that this request is reasonable.

Therefore, the application is recommended for approval as set out in the report with an amendment to the s106 in line with the applicants' request.

- (b) Amy Richardson, the agent, was invited to speak and stated that:
- After discussion with LCC Highways her clients agree to improvements to the access to the site and introduce passing places
 - LCC Highways did not have any objections to the proposals
 - There will be a reduction in vehicle movements to and from the site.

The Applications and Advice Manager confirmed that condition 3 reflects improvements to the highway and went on to detail the s106.

The Chair, Cllr Chandler, as one of the Ward Councillors stated that she was happy with the recommendation of the Officer's report but would like to add a further condition ensuring the whole development is undertaken not just the dwelling. She added that she believed there would be no increase in traffic as a result of the application.

Members agreed that the whole proposal must be developed.

Cllr Holmes agreed, she liked the design of the stables and felt they were in keeping with the area, she **proposed to approve the application**.

The Applications and Advice Manager confirmed the wording of the extra condition proposed by the Chair.

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

Members agreed that it was commendable that businesses should be expanding in the current financial climate.

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

DETERMINATION: PERMIT subject to:

- (i) the conditions in the report;**
- (ii) an additional condition:**

That the dwelling shall not be occupied until the development of the stables, new access and access road, horse walker, lunge ring, muck bunker, loading ramp and nursery paddocks which also form part of the application, have been completed and are in use.

(iii) the completion of a s106 agreement requiring that

- First occupancy of the application site must be by Winterbeck Manor Stud
- That the dwelling and land at Barkestone Lane cannot be sold off independently from the Stud Land at Belvoir Road

REASONS:

The proposal is considered to be supported by national policy. The NPPF (paragraph 28) specifically states that all types of business and enterprises in rural areas should be supported through the conversion of existing buildings and well designed new buildings. The proposal has also justified the requirement for the expansion of the business in addition to its current site and the requirement for a dwelling for a rural worker to live at or close to their place of work in line with paragraph 55 of the NPPF. It is considered that the proposal complies with policies OS2 and BE1 which seeks to allow development for small scale employment outside of the village envelope which harmonises with its surroundings. The proposal however does not comply with policies C4 and C5 of the Melton Local Plan which relate to the erection of stables within existing groups of buildings but it is considered in this instance that the content the NPPF in combination with the absence of significant harm that would arise from the development justifies a departure from the Development Plan.

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- (3) Reference: 12/00530/FUL**
Applicant: Westminster Developments
Location: Land adjacent 7 Ashby Road Gaddesby
Proposal: Erection of 5 new build houses

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the erection of five dwellings on land adjacent 7 Ashby Road, Gaddesby. The site lies in the village envelope on the edge of the Conservation Area for Gaddesby.

Since publication of the report a letter of objection has been received. The letter expresses objection to the proposal on the grounds that plot 4 it is out of character with the area due to the size, scale and mass and constituted a cramped form of development. The dwelling would also have an impact on privacy, outlook and amenities of neighbouring properties as per the previous grounds for refusal. They do not agree that there is adequate amenity space and state other authorities have minimum amenity standards which this application would not comply with. The bungalow should be reduced in size as it is too large. They also consider that there is not sufficient separation distance between plot 5 to the kitchen of No 4 Church Lane and does not comply with distance separations sought in the borough. They are not in agreement with the report that the replacing of the two storey dwelling with the bungalow would remove the overbearing impact. They are not objecting to redevelopment of the site but strongly object to the overbearing nature of plot 5 and the loss of privacy and amenity that its development will cause and the impact of plot 4 on the amenity space/orchard utilized by No. 4 Church Lane. It is requested that the Committee refuse the application.

In response to this, it was stated that the report covers most of these objections in the report. However, on the more specific issues, with regards to amenity space the Council does not have any set amenity space standards. On the occasions when the authority has refused application due to lack of amenity space we have not been able to uphold them at appeal. On the issue of the bungalow size, bungalows are a house type that the borough has a particular shortage of. Whilst it is larger than typically sought for a three bedroom dwelling the Housing Policy Officer has not recommended refusal based on not meeting needs and this was not a grounds for refusal on the previous application.

In response to the issue of separation distances between the bungalow, plot 5, and to no. 4 Church Lane both properties are single storey and overlooking is not considered to be an issue given that there is sufficient separation of 15 metres. There would also be boundary treatments at a height of 1.8 to 2 metres which is considered to eliminate any overlooking into habitable rooms, and kitchens are not considered to be habitable rooms. In the opinion of Officers it is considered that impact upon neighbours has been reduced by swapping the two house types and is not considered to be a ground for refusal. With regards to the orchard, this is not used in the same way as a garden/patio area and it is not considered that the development would lead to a loss of residential amenity.

Members may recall a similar application on this site was presented to Development Committee in May 2012. The previous application was refused on the grounds that Plot 4, a two storey dwelling at the top of the site, was out of character with the area due to the size, scale and mass constituting a cramped form of development and the impact on the privacy, outlook and amenities of the neighbouring property. This application has altered and scheme by in effect swapping the two storey dwelling with the 3 bed bungalow. Members need to consider if this revised application has overcome the previous grounds for refusal.

The design of the dwellings are considered to be of a high standard, provide adequate parking and access, would have no neighbour impact, is considered to accord with the development plan policies and to have overcome previous reasons for refusal. Therefore, the application is recommended for approval as set out in the report.

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

- He owns 8 Ashby Road, adjacent to the site
- He will be adversely affected by overlooking and loss of privacy as the nearest dwelling will be only 10m away
- The houses on the roadside do not have garages and there is a lack of adequate parking throughout
- The houses on the roadside each have a room titled a study that could easily become a bedroom increasing the density of an already overcrowded site
- The density is out of keeping with Gaddesby, 3 houses would have been better than 5.

(c) James Botterill, the agent, was invited to speak and stated that:

- Previously the Development Committee had supported the principles of the development including the number of houses
- This arrangement mitigates the previous reasons for refusal
- Visits to the neighbours at 2 Church Lane resulted in agreement upon the changes
- New site layout is a big improvement.

The Applications and Advice Manager replied to Mr Wood regarding the access and parking; stating that the Highway Authority has no objections to the proposal, adding that the footpath will be widened as a result of Highways comments.

Cllr Simpson, Ward Councillor for the area stated that she was glad the application has returned to the Committee. She notes that the new arrangement is an improvement and overcomes the previous reasons for refusal. The location is sustainable and suitable for development but stated that recent surveys of traffic in the village highlighted speed and safety issues.

Cllr Baguley stated that parked cars usually have the effect of slowing traffic down and she **proposed approval of the application** due to the previous issues being overcome.

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

Members empathised with Mr Wood but stated that efforts had been made in the proposal to meet housing need and the new layout reduced the impact of these dwellings.

A vote was taken: 7 in favour of approval, 2 abstentions. Cllr Simpson asked that her abstention be recorded.

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

for the following reason:

The application proposes a development of five residential dwellings on a former petrol station site (brownfield) that is located in the middle of the village. The site lies outside of the Conservation Area but is adjacent to it, however, the design of the dwellings are considered to be of a high standard taking into account the local distinctiveness and is respectful to the character of the area. The house types proposed meets the identified local need, apart from the larger 5 bedroom dwelling, however the mix does increase the choice of housing which will contribute to mixed communities. The scheme provides satisfactory highway improvements and has adequate parking for future residents. The proposal is considered to accord with the development plan policies and to have overcome previous reasons for refusal.

Reference: 12/00418/FUL
Location: Glebe Farm, Main Street, Saxelbye
Purpose of the Report: To seek approval for the relaxation of Condition 11 of 12/00418/FUL

Members may recall an application presented to committee in August for a grain store and dryer. The application was recommended for approval at this Committee and was approved subject to a further condition requiring two additional passing bays and a Section 106 legal agreement. The applicant has requested, due to the cost of the passing bays, that this condition be removed. In light of the applicants costing of the works, detailed in the report, Members are requested to consider the request to omit the condition.

Since publication of the papers, comments have been submitted by the Parish Council stating that the Parish Council agree that the preferred route to and from Glebe Farm is down to Asfordby Bypass. It was the intention of the Parish Council to seek assurance from Highways that the preferred route had adequate provision of passing places and the condition of the road would be adequate, but did not expect any costs for improvements to the road to be at the applicant's expense. The Parish notes that the County Council consider there are sufficient passing places so therefore support the relaxation of Condition 11.

Cllr Simpson stated that she does not like curbed passing places in the countryside as they appear too urban in appearance.

Cllr Botterill stated that he did not support the relaxation as other road users are frustrated when they cannot pass slow moving farm traffic.

Cllr Holmes agreed with Cllr Botterill. She noted that where official passing places were not put in place driveways were often used which causes damage. Although she regrets the costs involved she **proposed to retain the condition.**

Cllr Botterill **seconded the proposal to retain the condition.**

Members debated the use of the road and the current provision of passing places, noting that the Parish Council had withdrawn their previous objection. It was agreed that £38 000 was a lot of money but that a farm business of that size should be able to bear that cost. Cllrs asked for clarification of the provision of current passing places.

The Applications and Advice Manager replied that there were some passing places but could not specify details.

The Chair proposed that the Committee defer their consideration until a further site inspection could be arranged.

Cllr Botterill agreed and withdrew his seconding of the proposal to retain the condition.

The Applications and Advice Manager reminded the Members of the Highways comments from the previous Officer's report.

Cllr Chandler **moved to defer the matter.**

Cllr Holmes **seconded the move to defer the matter.**
A vote was taken: 7 in favour of approval, 2 abstentions.

DETERMINATION: Deferred in order to carry out a site inspection.

D40. URGENT BUSINESS

Cllrs discussed suitable times for site visits for the next Committee Meeting.

The meeting commenced at 6:00 p.m. and closed at 8.30 p.m.

Chair