



MEETING OF THE
DEVELOPMENT COMMITTEE

Samworth Centre, Melton Mowbray

8 November 2012

PRESENT:

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

Cllrs Hutchison, Freer-Jones and Graham (Observers)

Head of Regulatory Services, Applications and Advice Manager (JW)
Solicitor to the Council (MP), Planning Policy Officer (KM)
Administrative Assistants (JB and TC)

D48. APOLOGIES FOR ABSENCE

Cllrs T. Moncrieff and Freer-Jones

The Chair reminded attendees that 12/00677/FUL: Hindle Farm had been deferred.

D49. MINUTES: of 18 October 2012

Cllr Gordon referred to D44, application 12/00585/FUL; and asked for the removal of “found the use of the site confusing at the site visit and” to be removed from the text. She also asked for her next point to read “Cllr Gordon suggested that as the building is already built it should be used rather than stay empty and **proposed approval of the application** with the addition of a condition pertaining to the wall.” Finally regarding D45, application 12/00418/FUL she wished that “for the safety of cyclists” be added as her reason for seconding the proposal to retain the passing places.

Approval of the Minutes of the Meeting held on 18 October was proposed by Cllr Gordon and seconded by Cllr Douglas. The committee voted in agreement. It was agreed that the Chair signed them as a true record.

D50. 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.

D51. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00575/COU
Applicant: Mrs Sally Grice
Location: 34 Asfordby Road Melton Mowbray LE13 0HR
Proposal: Use of premises as funeral directors

(a) The Head of Regulatory Services stated that the application had been deferred from meeting of 18th Oct to accommodate a site inspection.

The report has been updated to convey material we were provided with prior to the last meeting and this occupies the left hand column on pages 3 and 4 of the report. Also added is the full content of the e-mail referred to in condition 3, at the end of the report.

Since publication of the report we have had a letter from the property owner:

- we would be very disappointed if permission is not granted meaning further loss of income to the area and another building to stand empty
- There are several businesses occupying the buildings fronting Asfordby rd along with a veterinary practice and dental practices.
- The nature of Mr. Homer's business is a business that is carried out with the upmost respect and privacy causing no disturbance to local residents.
- The building is only over looked at the rear of the property by one property on the opposite side of the road.
- There is ample parking and turning areas within the car park attached to the property.
- There would be far more disturbance to the area for a number of other types of businesses such as Youth centres, Day Nursery.
- There is a real opportunity to bring a good business to the area creating jobs and revenue for the area.
- There is already an empty unit next door being left to dilapidate.
- The property would, I feel not find a better use to upkeep a prominent Victorian building and bring valuable business to the area.

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

- The local residents have ongoing concerns
- The proposal is not a welcome change to the amenity
- A funeral directors is not an appropriate use for a residential area
- The use will pose an oppressive and emotional impact

- Views from homes will still be affected resulting in a loss of privacy
 - Grieving relatives will be seen as existing wall offers insufficient screening
 - Access to the site is not possible when residents park on roadside
 - 33% of residents on Cottesmore Av have objected
 - Some mitigation points may help such as a porch that will cover movement of mourners and coffins, 6 ft wall, opaque glass at ground floor and changing the position of the access.
- (c) Mr Homer, on behalf of the applicant was invited to speak and stated that:
- The applicants have taken on board the residents' concerns
 - The site will not be used intensively and there would be fewer vehicle movements than you would expect from other business uses The facilities at Asfordby house most of the functions associated with the funeral business
 - The facilities at Asfordby attract no objection or complaints
 - Happy to increase height of wall to increase screening if possible
 - The vehicle used to move coffins is a Volvo estate and NOT a hearse, there will be NO limousines used from the new site
 - Would be happy to provide an area of screening (such as a porch) to help conceal movement of coffins and mourners
 - Moving the position of the access is fine if it is acceptable to the Highways Authority
 - The company would like to work with the neighbours to resolve issues
 - The expansion of the business will produce opportunities for employment for local people.
- (d) Cllr Horton, a Ward Councillor for the area, was invited to speak and stated that:
- Many objections from residents of Cottesmore Av have arisen due to the nature of the business
 - Many questions are still unanswered, such as access to and from the car park
 - Stressed it was important not to remove any parking places from the local residents
 - If approved would like to see conditions relating to the height of the wall and porch to conceal coffins
 - Please support residents and refuse application.

The Head of Regulatory Services replied that it was within the power of the Members to introduce conditions relating to the height of the wall, screening, entrance relocation and glazing however it should be noted that some measures would require further approvals, for example, from the Highways Department. It had

to be considered that proposing these conditions may create unexpected future issues for the applicant.

Cllr Baguley believed that the applicant was doing everything to alleviate the concerns of the local residents and stated that she thought there was no need to increase the wall height from her impression during the site visit however she felt that the entrance to the car park could be widened to enable easier access to the site. She **proposed to permit the application with a condition to widen the access.**

Cllr Holmes noted the issues regarding the access but stated that it would be preferable to move the access to site to a position opposite the Veterinary Surgery car park entrance, she also believed that the wall height should be increased. She **proposed an amendment to Cllr Baguley's proposal to permit with the addition of these points.**

Cllr Cumbers **seconded Cllr Baguley's proposal to permit with a widened access condition.** She stated that she believed that the business would be discrete and not over intensive.

Cllrs debated the access to the car park, including: proposals to improve road markings to stop residents parking too close to the entrance, moving the entrance and adding a second entrance.

The Head of Regulatory Services stated that road markings were outside the control of the Planning Authority.

Cllr Douglas **seconded Cllr Holmes' proposal to approve the application with conditions for increasing the height of the wall and moving the entrance.**

Cllr Botterill agreed with Cllr Holmes but believed that as the applicant was willing to meet many of the conditions requested by the local residents then further measures could form part of the planning conditions, such as opaque glazing at ground floor and a porch for screening views to coffins etc from nearby homes.

Cllr Holmes and Douglas agreed to the increase in number of conditions.

Cllr Cumbers asked for clarification regarding the needs for opaque glass at all ground floor windows.

Members and Officers agreed that it would only be necessary to have opaque glass to the rear and side of the building at ground level.

Cllr Gordon **proposed a second amendment to introduce a second access to the car park to ease vehicle movement.**

Members did not second this proposal.

The Head of Regulatory Services clarified the conditions pertaining to the approval of the application.

Vote on the proposal to approve the application with Cllr Holmes' amendments:
5 in favour, 3 against

Cllr Cumbers stated that she felt that as the applicant had offered to meet many of the requirements of the local residents that this could have been negotiated prior to the application coming before Members.

DETERMINATION: PERMIT, subject to the conditions listed in the Committee report, the following additional conditions and **for the following reasons:**

4. Prior to the first use of the premises for the purposes hereby approved, the access to the site shall be relocated in accordance with a scheme that shall have first been submitted to and approved by the Local Planning Authority. The approved arrangements shall remain on a permanent basis following their construction.

5. Prior to the first use of the premises for the purposes hereby approved, the boundary wall to the site shall be increased in height in accordance with a scheme that shall have first been submitted to and approved by the Local Planning Authority. The approved arrangements shall remain on a permanent basis following their implementation.

6. Prior to the first use of the premises for the purposes hereby approved, a scheme to enclose the area around the rear door to the property shall be constructed, in accordance with a scheme that shall have first been submitted to and approved by the Local Planning Authority. The approved arrangements shall remain in place on a permanent basis following their construction .

7. Prior to the first use of the premises for the purposes hereby approved, all windows in the side (west) and rear (north) elevations shall be fitted with opaque glazing and shall remain opaque on a permanent basis following their installation .

Reasons:

The site comprises of a large detached property at the junction of Asfordby Road and Cottesmore Avenue fronting the busy A6006 Asfordby Rd. Whilst Cottesmore Avenue is predominantly residential and there is a one way traffic system with access via Quorn Avenue and egress via Cottesmore Avenue together with a residents parking scheme there are a mix of residential and business uses along Asfordby Road including offices, a social club, a veterinary practice at No. 36 ,and on the other side of the road a school. It is considered that with the restrictions imposed by the planning conditions recommended the use will not significantly impact either upon the traffic using the area or detract from the residential amenities of residents.

(2) Reference: 12/00635/COU and 12/00636/COU

Applicant: Mr and Mrs Duffin
Location: 10 Melton Road, Waltham LE14 4AJ
Proposal: Change of use of land to residential garden, construction of new 1800mm wall and gates.
Change of use of land to residential garden, raising of land level and construction of perimeter walls and fences to garden boundaries.

(a) The Applications and Advice Manager stated that:

These applications seek planning permission for the change of use of land to be part of the residential gardens along with the construction of walls and fences. The land lies in the designated open countryside but previously formed part of an agricultural yard.

There are no updates to report.

The applications represent a departure from the development plan and therefore a judgment is required as to whether the proposed change of use would have a detrimental impact on the character and appearance of the open countryside. In this instance the proposal is considered acceptable and is therefore recommended for approval as set out in the report.

Cllr Holmes, Ward Councillor for the area stated that the builders had built the development to a high standard and **proposed approval of the applications.**

Cllr Botterill agreed and stated that there had been a vast improvement on the street scene as a result of the development, **he seconded the proposal to approve the applications.**

Members agreed.

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

DETERMINATION: PERMIT, for the following reasons:

12/00636/COU: The change of use of part of the agricultural field into garden area in the open countryside does not comply with Policy OS2 of the Adopted Melton Local Plan. Although the proposal represents a departure from the Local Plan the proposal does 'square off' the curtilage in line with the Supplementary Planning Guidance specified above and it is considered that the change of use would not have a detrimental impact on the character and appearance of the open countryside and would not adversely affected the residential amenities of neighbouring dwellings. The NPPF seeks to promote sustainable development, ensuring development relates well to the natural and historic environment whilst promoting good design. Therefore, for the reasons stated above the application is acceptable.

12/00635/COU: The construction of the wall and gates is considered to be acceptable and comply with the development plan policies as it does not have a negative impact upon the character of the area or have a detrimental impact upon

residential amenities of nearby properties. The change of use of part of the agricultural field into garden area in the open countryside does not comply with Policy OS2 of the Adopted Melton Local Plan being located outside the village envelope. However, although the proposal represents a departure from the Local Plan the proposal is considered to relate well to the existing built form and does not represent a further encroachment into the open countryside due to the previous use as part of the agricultural yard. It is considered that the change of use would not have a detrimental impact on the character and appearance of the open countryside and would not adversely affect the residential amenities of neighbouring dwellings.

- (3) Reference: 12/00687/FUL**
Applicant: Mr A Girvan - Campbell Buchanan
Location: Land Between 12 And 23, Old Manor Gardens, Wymondham
Proposal: Erection of 2 two bedroom semi-detached single storey 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 two 2-bedroom semi detached single storey 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.

Since publication of the report two additional letters have been received objecting to the application on the following grounds;

- It will block out the only open view of the church in the village
- Over populate the development and overlook properties on Nurses Lane
- It will become a concrete jungle
- More cars so unsafe for children
- Loss of green space
- Developers have a poor track record for landscaping, and residents have to pay for the planting in the future
- There are inaccuracies in the application, the open space assessment does not accurately demonstrate the size of the development relative to the open space and does not coincide with the proposed site plan. Side roads should not be regarded as open space. The "village green character" would be destroyed
- The photographs submitted are irrelevant and do not illustrate the effects of the proposed development.
- There is no indication of the height of No. 17 Old Manor Gardens which is necessary to understand the impact on the outlook from houses in Nurses Lane and also Old Manor Gardens

- The applicants claim that there are two hotels is incorrect. There is a post office/shop but there is no guarantee that this will remain open.
- There is no need for further affordable housing in Wymondham

In response to this, the majority of these issues have been addressed within the report. With regards to the landscaping, if considered acceptable this would be controlled by means of a condition and if not complied with then enforcement action could be taken. With regards to the inaccuracies, the Council is satisfied that the development would still have adequate open space and would be compliant with the Councils policy, the height of No. 17 is not denoted but the proposal is for single storey dwelling and if considered acceptable then a levels condition could be imposed. However, it is not considered that a single storey dwelling and the distance separations involved would have an adverse impact on adjoining residential properties.

Members may recall that an application for four dwellings on this site was refused in July 2012 on the grounds that the dwellings 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 and that the proposal would by virtue of the height and positioning on higher land would result in an overbearing impact on properties on Nurses Lane. Therefore, with regards to this amended scheme, Members need to consider whether this proposal has overcome the previous grounds for refusal.

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.

Whilst one of the previous grounds for refusal it is considered that the relationship of the proposed dwellings with surrounding properties is 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:

- He represented the residents of Wymondham
- The open space had been deliberately left previously to maintain the character of the village and the development
- Local residents believe the open space is very important
- He agreed with the Officer's report
- The area is a safe area for children to play

- The area is raised and therefore any houses on it will be prominent and overlook houses particularly on Nurses Lane, affecting privacy
- Accepting the proposal would set a poor precedent for the Planning Inspector who is considering the appeal of the previously refused application on the same site
- Views to the church should be protected.

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

- The site was not public open space as it has always been fenced off
- It is not a designated space, if it had been considered important then it could have been designated during the initial application
- The Parish Council had not objected
- The architectural merits of the scheme had been recognised by the Conservation Officer
- There is no 'harm' resulting from the development that according to the NPPF has to be shown for grounds of refusal
- Providing small, high quality houses makes a meaningful contribution towards meeting local need
- Views of the church will be maintained and there is only a limited number of houses that will have their views altered by the proposal

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

- This was a complicated application with a long history
- He agrees with the Officer's recommendation
- The original application had carefully considered the density of the development and should this open area be lost then the character and balance will be upset.

The Applications and Advice Manager replied regarding the appeal mentioned by Mr Pople; she advised that all applications are considered on their own merit and any decision would not set a precedent for the Planning Inspector.

Cllr Botterill asked if the footprint of the current application was smaller than the footprint of the previously refused one.

The Applications and Advice Manager demonstrated to Members the extent of the previous application area on the site plan. The Applications and Advice Manager estimated that the footprint of the application was approximately 30% smaller than the previous application.

Cllr Baguley stated that the open space was import to the village and the views of

the church should be preserved. She **proposed refusal of the application**.

Cllr Holmes **seconded the proposal to refuse the application**. She stated that she believed there was no further need for affordable housing in the village and that the original application had been well designed with open space in mind.

Cllr Simpson asked if the percentage of open space left on the site if the application was approved, would be accord with guidance.

The Applications and Advice Manager confirmed that the percentage would actually be about 7%, higher than the percentage outlined in guidance.

Cllr Simpson asked for clarification on how the views of the church would be affected due to the proposal.

The Applications and Advice Manager demonstrated which houses would be primarily affected using a plan produced by the applicant. She went on to say that the Conservation Officer had stated that his objection was based on the affect on the setting of the heritage asset rather than the views from specific dwellings.

Members agreed that views and setting of a heritage asset should be preserved but that it was not easy to clearly define the setting or achieve consistency when considering applications.

A vote was taken:

7 in favour of refusing the application, 1 abstention.

DETERMINATION : REFUSE, for the following reasons:

In the opinion of the Local Planning Authority the development of a pair of semi detached single 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 listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF.

D52. ADDITIONAL REPORT: 12/00418/FUL Glebe Farm, Main Street, Saxelby

(a) The Head of Regulatory Services stated that:

- Purpose of report is to allow the Committee consideration of additional representations received after the previous meetings. This is necessary as the application remains live until the Section 106 is completed.
- The report covers 21 letters of objection received raising the points listed at paragraph 3.5. These were the same as matters that were presented to you at

earlier stages and as such do not introduce new information or insight into the issue.

- Since publication of the report we have received further representations as follows:
 - A petition of 200 signatures objecting on the grounds of
 - (a) Heavy traffic requires careful management by horse riders as it poses a hazard
 - (b) Access for hacking will be threatened by a major increase in heavy lorries
 - (c) There will be up to 40 lorries a day, making hacking impossible
 - (d) Considerable investment and development has taken place at the stables which will be under threat
 - (e) It is undesirable that another sports facility should suffer.
 - Photographs of the road conditions in the vicinity of the stables (which were displayed)

7 letters in support:

- The applicant's drivers have always been courteous and polite in their current Rothley location. They have always pulled over to allow horses to pass and have even turned engines off when they have spotted horses in distress.
- Horses became used to passing traffic and less anxious. This in turn has helped horses cope with other forms of traffic
- Horses kept at the applicants current premises have no difficulty with farm traffic on the site or when they pass it on the approaches

Information from the applicant:

The applicant has confirmed the traffic levels in response to the objections received.

During harvest: Tractor and trailers will carry 15 tons per load at harvest from the field to the farm.

Over 2 months: 400 loads over 60 days = 6.66 loads per day on average, which equates to a maximum of 14 trips per day.

Grain sales: The grain is sold throughout the year so lorry movements are averaged across 52 weeks;

The lorries are loaded Monday to Friday, 6000 tons divided by 30 tons over 261 days averages at 0.76 loads per day or 4 lorries over the five day week.

They would spend approximately 18 - 21 minutes of time on the restricted road during the working day - and this is just over the harvest period

- The 30 ton grain lorries visiting the site do so during the five day working week for 12 months of the year so for 3-4 days of a full week there's no grain lorry traffic

- a grain lorry will only be on the road for a total of 3 minutes
- a rider is inconvenienced can stand on the grass verge for a moment - this must apply to general traffic as well)
- if a horse is easily scared by traffic, a responsible rider wouldn't take along any road anyway

(b) Mr Easom, on behalf of Grimston Parish Council (PC), was invited to speak and stated that:

- The PC support the application as there is a need for modern agricultural buildings and machinery
- The applicant had been very helpful in overcoming issues the PC had raised
- Noted that not many horse riders used the road and some used the main road which was a bus route with no issues
- Horse riders used the wide verges, common in the area, which reduced the danger to horses.

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

- The objection is regarding highway safety
- The proposal will be dangerous and there will be accidents
- The number of deliveries can be up to 40 a day
- The previous reports and debate did not discuss the issues of dangers to horses
- The riding school is one of the largest in the area with 70 horses
- Lorries will take up the whole of the lane
- Traffic does get congested and further traffic will increase dangers
- Tractors with trailers will find it difficult to reverse
- It is bizarre that the applicants justify the proposal by saying it will reduce the number of overall traffic movement.

(d) Mrs Wright, the applicant, was invited to speak and stated that:

- Understands the concerns of horse riders as she has horses also
- Horses stabled at their farm had no issues with the current tractor traffic
- There had been some confusion regarding the number of deliveries expected but she could confirm that the traffic has now been found to be lower than first estimated in the original documents
- Tractors and lorries will be using the road to the farm next year as the farm will be storing grain with or without the grain dryers. However the provision of the grain dryers will allow the movement of grain to have less impact on other road users due to the majority of movement to be over a shorter period of time
- Having to use mobile grain dryers will increase noise and the length of time taken to dry grain as they are less efficient
- The countryside is a work place and should be able to co-exist with leisure facilities nearby.

(e) Cllr Hutchison, Ward Councillor for the Area, was invited to speak and stated that:

- Applicants have shown that they are bringing employment to the area
- They are respectful of the other road users and the concerns of the PC
- However people are concerned because of the expected increase of traffic on the quiet narrow lane
- The condition for passing places was a result of public concern and should not have been withdrawn at the previous committee.

The Head of Regulatory Services replied to Dr Thew that the details of the vehicle movements had been clarified at the previous committee meeting by the applicant and changes in figures from the original documents were due to the calculations now being made based on experience rather than estimates. Also, regarding highway safety; the previous report did cover highway safety and was debated by the Members. In reply to Cllr Hutchison, there had been extended debate at the previous committee meeting regarding passing places and was determined at the previous meeting according to committee procedures.

Members discussed the possible changes to the lane resulting from traffic including the possible increases over certain months and the impact of passing places on the safety of horse riders and other vehicles. Members discussed the placing of a condition that was then removed at a subsequent committee, the reasons why this happened and if the condition should have been removed in light of the recent objections.

Cllr Botterill stated that there was plenty of room in the countryside for all users and that speed of vehicles was of greater concern than the width of the road in many circumstances. He stated that people had to be more careful when moving through the countryside and that if horses were not comfortable with traffic then they ought not be on the road. He stated that he believed that the condition for passing places should not have been removed previously. He **proposed approval of the application** as recommended in the Officer's report.

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

Cllr Holmes **proposed an amendment to the approval reinserting the passing places condition.**

The Solicitor to the Council stated that for clarification and consistency there would have to be grounds for going back on the previous determination on the 18.10.12 and, as the Officers have clarified, that there were no material changes in the application, the circumstances surrounding the site or Member's understanding. She urged Members to reconsider their position.

A Member asked for clarification regarding the discrepancies in calculation of vehicle movements.

The Chair noted that there would be variations due to the season.

The Head of Regulatory Services restated the figures.

A member asked for clarification on the difference between traffic generated previously by the dairy farm compared with the figures proposed by the applicants for the grain store.

The Chair stated that although the overall movements would have been more numerous they would have been fewer per day.

Cllr Gordon seconded Cllr Holmes amendment to approve the application with the reinsertion of the condition regarding passing places.

Members discussed the initial reasons for the passing places and the reasons for the removal of the condition previously.

A vote was taken on the amendment:

5 in favour of approval with the reinsertion of the condition regarding passing places, 3 against.

DETERMINATION : APPROVE, in accordance with the decision made at the 16th August meeting of the Committee (including the requirement for passing places).

D53. URGENT BUSINESS

None.

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

Chair