



MEETING OF THE  
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

29 November 2012

PRESENT:

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

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

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D54. APOLOGIES FOR ABSENCE

Cllrs G.E. Botterill and T. Moncrieff

D55. MINUTES:

26<sup>th</sup> July 2012

Cllr Gordon corrected the page she quoted from 'Planning for Climate Change' from 30 to 20.

Approval of the Minutes of the Meeting held on 26<sup>th</sup> July 2012 was proposed by Cllr Baguley and seconded by Cllr Holmes. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

8<sup>th</sup> November 2012

Approval of the Minutes of the Meeting held on 8<sup>th</sup> November 2012 was proposed by Cllr Baguley and seconded by Cllr Holmes. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D56. 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.

D57. 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 and upgraded access track

The Chair stated that multiple objectors wished to speak; she asked Members to consider suspend standing orders. Cllr Simpson moved to suspend standing orders, seconded by Cllr Holmes.

On being put to the vote, 5 Members voted in favour, 2 abstained.

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

This application seeks planning permission for the erection of a wind turbine and associated works with a total height of 77 metres. The turbine is located within a field off the A607 Waltham Road.

Since publication of the report a letter has been received from Rt Honourable Alan Duncan MP who has written in to pass on the concerns that have been raised to him by constituents regarding the application. Whilst he appreciates that this is entirely a matter for the Council to determine and that the turbine is not on the scale of the larger wind farms he would encourage the Council to bear in mind the proximity to dwellings and the relative visual impact to those living in the village that might be caused by the turbine, when it is considered by Committee.

There have also been 3 further representations received, 2 from residents that have previously objected and 1 new representation. 3 letters have also been circulated directly to committee members from LOLA Opposition Group, Mr Lomas and Mr and Mrs Cannon-Malone and therefore I will not summarise them this evening as you will have received these directly.

The objection received related to the following:

There is an equine business next to the site and they have stated that they use the bridle way close by the site of the turbine due to inconsiderate drivers on the highway putting the horses at danger. It is stated that horses and turbines do not mix and this will reduce the number of horses at the stables in urn reducing the

number of staff to be employed. The turbine is a commercial venture with no regard to the long term effect on local community. Smaller turbines would be less intrusive and still produce energy for the farms use. It is considered that the access will create a danger on the A607 a road that is known as a 'red route' because of the number of fatalities that occur. Large lorries waiting to turn into the site will add to this danger as there is no way to pull in off the main road. Impact upon tourism and local business in the town (Twin Lakes, equestrian centre, golf centre), devalue properties, visual impact of the turbine and the damage created by the construction of the track will be significant on the landscape. Health issues relating from the low frequency vibration and sound and shadow flicker. The applicant does not live in the area and is a business entrepreneur and this is another commercial venture. Melton Mowbray should remain a market town in the eyes of the visitors, not the place with a massive wind turbine overshadowing it. The proposed turbine is a massive 77m, dwarfing all around, it will create a noise both night and day; this alone is unacceptable to all who are expected to live in close proximity. The northern aspect of Melton Mowbray is noted as the most visually attractive approach to the area, a large wind turbine will have significant impact on this aspect. Surveys undertaken on behalf of the Borough Council into the area have described any building to the north of Melton as having a devastating impact on the most visually sensitive approach to the town, a town being promoted as a tourist attraction.

With regards to these comments, the majority of these matters raised have been considered within the report. The issue with the northern aspect and surveys it is considered that the turbine is to be located to the east of Melton Town and not to the north. The studies refer to access into the town from the north that being along Nottingham Road A606 not the A607. The studies also only related to the built form to the north of the town and not the open countryside beyond.

The application relates to a single 77 metre high turbine. The proposal is considered to be supported in terms of principle by national policy in the NPPF. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as 'significantly and demonstrably' unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. It is considered that whilst there is the need for a balance between the interests of renewable forms of energy and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in the NPPF. Accordingly, the balance of these issues is considered to favour the installation. The site is considered to have adequate access arrangements and to pose no risk to highways users. Having considered all the issues on balance, in this instance, the proposal is considered acceptable and is therefore recommended for approval as set out in the report.

- (b) Mr Smiley-Jones, an objector, was invited to speak and stated that:

- He is supportive of renewable energy
- There will be a huge environmental impact on residents
- It is the start of a windfarm
- Proposal purely for commercial gain
- 77m is an excessive height
- It will be less than 750m from houses and is too close to villages
- It is on high ground and very visible from 360 degrees
- Impossible to screen the track
- There should be consistency on considering applications for turbines
- There is a flood risk due to the impact of the track on the balancing pond
- 2 smaller turbines would be preferable
- This application should be refused as there is a lack of proper policy from Government and Melton Borough Council (MBC)
- Sets a precedent that will open floodgates for excessively high turbines in the area.

(c) Mrs Heerbeck, an objector, was invited to speak and stated that:

- She is a local employer
- Serious concerns of impact of turbine on unspoilt countryside and on tourism
- The turbine will distract drivers
- Turbine construction traffic will add further danger
- Local equine businesses will be forced to relocate as bridleways will be affected
- People will move away from villages that are impacted by the turbines
- Can't screen gabion wall and track
- Debate in the Lords may mean that current decisions will prove incorrect

- There are no local benefits

(d) Mr Senior, an objector was invited to speak and stated that:

- High risk application; health (quoting from Daily Telegraph), flooding may be caused by impact of track on balancing pond and financial implications on the town from flooding
- Who will be responsible for taking the turbine down after 20 years
- Environmental impact from inability to screen development
- Track is over constructed for a single turbine this is because the applicant wants a windfarm
- TV and radio reception will be affected

(e) Miss Russell, an objector was invited to speak and stated that:

- Health issues are well documented which can't be ignored
- Stress on local applicants due to the application
- Letters from consultant state that her husband's health is being affected
- Both now suffer from depression
- They will be living directly underneath the turbine
- It will be detrimental to living conditions
- Errors and contradictions in the report

(f) Mr Snoddin, speaking on behalf of the Parish Council (PC), was invited to speak and stated that:

- The PC recommend refusal
- The beautiful landscape that attracts new residents and visitors will be affected
- Melton's tourist trade will be jeopardised

- Industrial structure will affect the Borough as a whole
- The access track is inadequate
- Construction traffic will be dangerous
- Wrong image for a rural landscape
- National papers quote that some councils are considering separation zones, MBC should also
- An unacceptable eyesore will be created

(g) Mr Butler, the applicant was invited to speak and stated that:

- The Officer's report covers all the planning issues
- The world is moving towards low carbon infrastructure to reduce climate change
- Energy security improved by using Renewables. European countries increased renewable energy production after Russia held gas supplies back
- Large increase in energy bills due to increase in worldwide cost of gas
- In order to achieve national targets the Government is subsidising industry and individuals to make use of some of the best wind resources in world
- Members have stated in past that they agree with turbines if they are in right place
- This is a small contribution, but will generate electricity for Waltham as power generated is used in nearest energy need
- Need to create own low carbon energy generation

(h) Cllr Rhodes, County Councillor for the area, was invited to speak and stated that:

- Turbines are controversial, especially due to size and proximity to dwellings
- Members have to consider applications under public spotlight
- MBC is producing guidance but this will be unavailable until middle of next year

- Members need to consider application based on current policy
- Agree with many objectors and disagree with report regarding the severity of the landscape impact.
- The size and location is an unacceptable intrusion on landscape
- Will have a disturbing affect on 2 properties in particular that are less than 1km from site

The Applications and Advice Manager replied:

- Application was deferred in August following the late submission of a major amendment to the original application
- Regarding commercial gains of the application, this is not a planning consideration
- Future use of site is also not a planning consideration
- Regarding consistency on determining applications, each application is considered on its own merits
- The possible impact of the track on the balancing pond is not evidenced
- Condition 4 relates specifically to concerns with the balancing pond
- Regarding health impacts, documents submitted state that dwellings will not be affected and no counter-evidence has been produced.
- Interference of TV and Radio reception is not evidenced
- The professional opinion is that living conditions will not be unacceptably affected, Miss Russell stated that they will; it is for Members to consider these differences in opinion.
- A decision has to be taken on the information before the Committee.

The Solicitor to the Council confirmed that the track impact on the balancing pond is not a material consideration.

Cllr Holmes, Ward Councillor, stated that the turbine is an alien structure in an area of natural beauty. Waltham mast is static, the turbine will not be. A607 has many accidents, the turbine will add to the dangers on this road. The turbine height is

greater than Waltham Church with a light on the top flashing day and night. The gabion wall is a concern. If the track causes issues for the balancing pond then any subsequent flooding will have a big impact on Twin Lakes and the area around. The Ash trees currently screening the site may be affected by disease resulting in no screening. The proposed turbine is not in the right place. A small turbine next to the barn would not cause a problem. Can't say where the electricity will go to. Cllr Holmes **Proposed refusal of the application** due to its impact on the countryside as follows:

*The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the objectives of the East Midlands Regional plan, and the guidance offered in the NPPF in relation to sustainable development, design, renewable energy and the natural environment.*

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

The Chair stated that Cllr Botterill, who was unable to attend the meeting, had asked her to enquire how high the turbine would be compared to Waltham mast.

The Applications and Advice Manager stated that Waltham mast was about 297m tall and the proposed turbine would be 77m.

Cllr Baguley stated that she had no problem with the turbine itself although it is large. She had concerns about the track and its length believing that it would have a big impact that could not be screened; she quoted the report's comments from the Conservation Officer.

The Chair asked if that should be added to the reason for refusal.

The Head of Regulatory Services itemised the reasons of refusal, stating that the issues relating to the track were covered in the term 'the development' cited in the motion and therefore would not need to be separately stated, although this would be an acceptable alternative approach if the Committee preferred



Cllrs Holmes, Gordon and Baguley agreed that it was adequately incorporated within the reasons cited in the motion..

Cllr Simpson agreed but asked that the concerns regarding the aviation light be added to the reasons of refusal. She also asked that the reasons include that the 'turbine would be an intrusive feature on residential amenity' as follows:

*The proposed development by virtue of its height, elevated position in the landscape and movement would result in an intrusive and over-dominant feature which would dominate the outlook of the occupants of Ashfield House, to the detriment of their amenity. Such an impact would be contrary to Policy BE1 of the adopted Melton Local Plan. This impact would significantly outweigh the limited benefits of the proposal and granting permission would be contrary to the guidance of the NPPF (para 14).*

Cllrs Holmes and Gordon agreed to include this in the motion of refuse

The Head of Regulatory Services asked for confirmation that the amenity concerned is the visual rather than the audible.

Cllr Simpson asked for clarification regarding visual amenity impact of track as well as the turbine.

The Applications and Advice Manager replied that the reasons for refusal refer to the 'development' and this relates to all aspects of the application; turbine, gabion wall track and aviation light.

Cllr Simpson said she was happy that this would be sufficient.

The Head of Regulatory Services repeated the reasons for refusal in full.

- 1. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the objectives of the East Midlands Regional plan, and the guidance offered in the NPPF in relation to sustainable development, design, renewable energy and the natural environment.*
- 2. The proposed development by virtue of its height, elevated position in the landscape and movement would result in an intrusive and over-dominant feature which would dominate the outlook of the occupants of Ashfield House, to the detriment of their amenity. Such an impact would be contrary to Policy BE1 of the adopted Melton Local Plan. This impact would*

*significantly outweigh the limited benefits of the proposal and granting permission would be contrary to the guidance of the NPPF (paragraph 14).*

Cllrs Holmes and Gordon stated they were happy with the reasons.

A vote was taken to refuse the application: 6 in favour, 1 against. Cllr Cumbers asked that her vote be recorded.

**DETERMINATION: REFUSE, for the following reasons:**

- 1. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the objectives of the East Midlands Regional plan, and the guidance offered in the NPPF in relation to sustainable development, design, renewable energy and the natural environment.**
- 2. The proposed development by virtue of its height, elevated position in the landscape and movement would result in an intrusive and over-dominant feature which would dominate the outlook of the occupants of Ashfield House, to the detriment of their amenity. Such an impact would be contrary to Policy BE1 of the adopted Melton Local Plan. This impact would significantly outweigh the limited benefits of the proposal and granting permission would be contrary to the guidance of the NPPF (para 14).**

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**(2) Reference: 12/00599/OUT**  
**Applicant: Mr and Mrs Watchorn**  
**Location: Belvoir House 17 Blacksmiths End Stathern LE14 4EZ**  
**Proposal: Outline planning application for two 2 bed roomed dwellings and one 3 bed roomed dwelling.**

(a) The Head of Regulatory Services stated that:

It is an Outline application for 3 dwellings, with all matters reserved. The plans submitted are illustrative only and show one way that the houses could be accommodated on the site, but not the only way. The content of the application, 1 X 3 bed house and 2 x 2 bed, is however, fixed.

Application presents a conflict in planning issues. On the positive side it proposes houses that would contribute directly to the demand profiles identified in Stathern and the surrounding area, but on the other it would introduce 3 houses on to a plot that currently accommodates just one.

Officer's view, as set out in the report, is that the site is capable of accommodating 3 houses of the size proposed without being unduly harmful to the character of the area, road safety or amenity interests and as such recommend approval.

The Highways Authority comments on the amended plans are as follows:

1. The existing vehicular access is closed and the new one constructed before occupation of any of the dwellings.
2. Measures to ensure that the highway is kept free of mud, water, stones etc,
3. For the period of the construction of the development, vehicle parking facilities shall be provided within the site
4. Off road parking is completed before occupation of any of the dwellings are occupied.

An Additional objection has been received:

- The amended plans still comprise 3 houses on a plot that currently supports one.
- This would be too over developed and completely out of keeping with the existing properties in the vicinity.
- The proposed three bedroom property is still very close to the road and will cause shading to my front garden as well as contributing to a loss of privacy for my garden.
- The proposed two bedroom properties will still overlook the side of my property. My hallway landing window is directly in the view of the upper back windows of one of the properties and privacy will be severely compromised, especially as it is our family bathroom that is the first doorway leading onto the landing at that side of our home.
- The potential issue of parking also exists even with these amended plans as there are still three houses proposed with essentially no on-street parking available
- I would like to repeat that there is no shortage of homes for sale in Stathern and the development is unnecessary.

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

- Concerned at increase in density and impact on the character of the village
- The PC and neighbours are concerned especially as final design is unknown at this stage
- The site is inappropriate for this type of development.

The Head of Regulatory Services replied that the application was an 'outline' application and as such had limited design proposals at this stage. This required that Members consider the principle of development rather than the detail; which would come at a later stage in the process. He reminded Members that some objections were concerning details that had yet to be submitted.

The Chair confirmed that the reserved matters application could be returned to Committee for determination.

Cllr Baguley agreed with Cllr Rhodes but believed the size of houses proposed are required in the village, however she noted that it does not follow that they will be affordable.

The Head of Regulatory Services confirmed that the houses are not classified as 'affordable' as per NPPF definitions.

Cllr Simpson stated concerned about the parking facilities and the possible over development of the site.

The Head of Regulatory Services stated that the proposed layout of the site shows adequate levels of parking.

Cllr Holmes agreed with Cllr Rhodes and the PC and stated concerns about overdevelopment of the site. She **proposed refusal of the application** due to overdevelopment of the site stating that by refusing it may prompt an improved application.

The Chair stated that the proposed 2 bedrooomed properties may be lost in a future application and that this was a good use of the land available.

Cllr Baguley voiced concern that should a resubmission be presented with fewer houses then no smaller properties would be proposed.

Cllr Holmes questioned if the applicant would be bound to build the size of houses in the proposal or if these could be altered during the development process.

The Head of Regulatory Services replied that the size of the houses would be fixed if this application was approved and that the detail of the plans would give more information to respond to concerns from neighbours and the PC.

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

Cllr Simpson asked if the plot is capable of supporting the number of dwellings as described by the applicant.

The Head of Regulatory Services replied that the details of the submission would set out the location of the dwellings and their size, but if this application was approved then the Committee would not be able to refuse the future detailed application due to

the number of dwellings being 3 on that site.

The Chair noted that the application is compliant with the National Planning Policy Framework (NPPF) and local policies.

The Head of Regulatory Services asked for clarification of the reason for refusal.

Cllr Holmes clarified reasons of the number of houses on the site and the traffic generated.

A vote was taken to refuse the application: 3 for refusal and 4 against.

A vote was taken to permit the application: 4 to permit and 3 against.

The Chair asked that the future detailed application come before the Committee for determination.

**DETERMINATION:**

- (a) APPROVED, in accordance with the recommendation in the report, for the following reasons:**

**The site lies outside the conservation area within the village envelope in a residential area which is of a very mixed character with primarily modern housing. The development affords the opportunity to utilise a large plot of land and provide an innovative solution to provide additional housing. The siting of the dwelling close to the highway will frame the approach to the village from the north and allow for a further two dwellings without detracting from the overall character of the area.**

**The proposed development is considered to be acceptable in terms of its siting, parking and access arrangements and to have no significant adverse impact upon the amenities of neighbouring properties. As such, it is considered to be in accordance with the objectives of the applicable development plan policies and the NPPF.**

- (b) That the subsequent 'reserved matters' application be presented for determination by the Committee (rather than under delegated powers).**

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**(3) Reference: 12/00504/FUL  
Applicant: Mrs Gill Farrell  
Location: Old Orchard 10 High Street Somerby LE14 2PZ**

**Proposal: Demolition of existing bungalow and detached garage and construction of two one and a half storey detached dwelling houses with off road parking and turning.**

(a) The Head of Regulatory Services stated that:

No updates are required.

- The application has a similar resonance to the previous application – competing planning objectives.
- In this instance the site has been designed in close compatibility with the surroundings, large houses on spacious plots.
- We are satisfied this meets normal development criteria in terms of design, access, layout and amenity, but in this case the house types are at odds with identified need and would exacerbate existing imbalances.
- The application presents a balance between the need to respect the character of the area and policy objectives on house size. We accept the argument that the site would be inappropriate for a greater number of high density housing such as terraces or flats.
- However, we are not convinced that the site could not accept other forms of development that meet needs – for example older person's housing and bungalows and because of this we feel the balance lies against the proposal and refusal is recommended.

(b) Mr Norwood, Agent for the Applicant, was invited to speak and stated that:

- The NPPF prescribes a presumption in favour of sustainable development
- The design is in keeping with the character of the conservation area.
- There have been no objections from the consultees.
- The site is screened from nearby properties and the street.
- The design respects adjacent properties especially separation distances and their scale.
- High density, smaller dwellings would not be in keeping with the area and would contribute to traffic issues.
- This proposal is most suitable for the site and the design meets the principles set out in the 'Building for Life' criteria.

Cllr Rhodes left the meeting 7:40pm

The Head of Regulatory Services accepted most of the points made by Mr Norwood but stated that low density smaller buildings – for example bungalows - would be an acceptable and consistent preferred alternative to low density large buildings.

Cllr Holmes noted that the access was narrow and positioned at a corner, which could lead to issues especially in icy weather.

The Head of Regulatory Services stated that the access is currently used and is about 3m wide.

Cllr Holmes noted that the PC object due to flooding issues.

The Head of Regulatory Services confirmed that there is no history of flooding at the site and no evidence that a water course will be affected.

Cllr Simpson noted that a number of smaller dwellings have been built in the area recently and that this application is acceptable due to the character of the area being respected in the layout and design. She **proposed approval of the application**.

The Planning Policy Officer stated that the housing market assessment shows a shortage of smaller houses and this is reflected in the strategic housing supply policy. He added that although a number of smaller dwellings had been completed recently this did not negate the need for further smaller dwellings.

Cllr Baguley stated that she was not convinced that Members should move away from local policy even though there is merit in the application details. No Member seconded the proposal to approve the application.

A vote was taken to refuse the application: 3 in favour to refuse, 1 against refusal and 3 abstentions.

**DETERMINATION : REFUSE, for the following reasons:**

**In the opinion of the Local Planning Authority the proposed type of houses does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural south of the Borough. Accordingly the proposal fails to contribute to a sustainable and balanced housing market and is therefore considered to be contrary to the objectives of the NPPF and the Melton LDF Core Strategy (Submission DPD) .**

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- 4) Reference: 10/00279TPO  
Applicant: Mr J M Playfer  
Location: 1 Faldo Drive, Melton Mowbray

**Proposal: Removal of 1 Lime Tree**

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the removal of a Lime tree. The application was deferred from committee in July 2010 to allow for further technical advice to be submitted. An addendum technical report was received on the 10<sup>th</sup> October 2012 and the application presented back to Members. The additional information received has been considered by an Arboricultural Officer who has advised that whilst the report contains level monitoring the concern is that the monitoring is inconclusive in terms of the impact of the tree and longer term monitoring is required. Therefore it is considered that insufficient justification has been submitted with the application and the application is recommended for refusal as set out in the report.

(b) Mr Playfer, the applicant, was invited to speak and stated that:

- The tree sheds substantial debris causing concerns that this will hurt someone
- The roots cause problems to the driveway
- Subsidence to the property is also a problem
- Previous refusals were because the tree is healthy but it is hemmed in and it is restricted
- The individual tree is only visible to the immediate neighbours and masked by other trees therefore the loss of this tree will not affect the overall view
- The report states that the loss of the tree will not affect the amenity value
- The Preservation Order may be unchanged but planning guidelines have changed and there is now development nearby.

(c) Mr Orson, speaking as an interested Member, was invited to speak and stated that:

- Although he had no formal qualifications he had extensive experience of growing trees and looking after woods
- He had followed this application over a period of years
- Believed that there was enough information on the report to make a determination
- The street scene will be unaffected and the neighbours support the removal of the tree



- The tree is crowded and if it were removed then that would be better for the other trees.

The Applications and Advice Manager replied to Mr Playfer: the initial application was regarding the safety of the tree but further information subsequently came forward due to the monitoring of the tree. She went on to confirm that there was no evidence to justify removal of the tree since the Protection Order was put in place and that the report does state that the tree is of amenity value.

Cllr Baguley agreed with the Officer's report and **proposed to refuse the application.**

Cllr Cumbers had sympathy with the applicant but believed the tree had amenity value, she **seconded the proposal to refuse the application.**

Cllr Holmes stated that the trees are big, but are in small gardens. She believed there was insufficient information to determine if the tree had caused subsidence and **moved to defer the application.**

No Member seconded the move to defer the application.

Cllr Simpson stated that the tree looked oppressive and had had an effect on the driveway. She believed the applicant's amenity should be placed before the Tree Preservation Order.

Cllr Baguley noted that the report offered other options and that Tree Preservation Orders are placed for a reason.

Members asked for clarification as to the position of the tree in the line of Limes and it's visibility from the road.

Applications and Advice Manager presented photographs of the row of trees and highlighted the position of the Lime in relation to the protected trees.

Cllr Gordon discussed the maturity of the tree and the likelihood of further impact from future growth.

Applications and Advice Manager confirmed that the tree is now full size according to the arborcultural report.

The Chair noted that the foundations to the extension to Mr Playfer's house may not have taken into account the roots of the Limes and that there are insufficient reasons to remove the tree.

Cllr Douglas stated that if alternatives to felling were available then they would be preferable.

A vote was taken to refuse the application: 5 in favour of refusal, 1 against and 1 abstention.

**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.**

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- (5) Reference: 12/00737/TCA**  
**Applicant: Crawford and Company**  
**Location: Parsonage House, 13 Paradise Lane, Old Dalby**  
**Proposal: Fell one Wellingtonia (Redwood) Tree/EXT)**

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

This application relates to a tree in a conservation area and prior consent is sought for the removal of one Wellingtonia.

Since publication of the report comments have been received from Crawford and Company stating that they have inspected the property on the 27<sup>th</sup> November to review the damage to the property and to collate a schedule of repair for the superstructure repairs and redecorations. During the inspection it is noted the property has deteriorated massively since their initial inspection in June 2011.

The damage in June 2007 was predominantly affecting the front and left hand flank of the left hand extension to the property. The damage has now spread throughout the original building causing major damage to the walls, ceilings and the ground floor mosaic floor tiles and further damage to the extension has also been noted

They consider the repairs at this stage for the superstructure repairs and redecorations to be in excess of £30,000.00 if mitigation is not reached and stability of the property is confirmed. Any living on the ground floor of the property will have to cease during repairs for three months due to Health and Safety issues as the house will be a building site. This would cause the family distress and they would ask the committee to look favourably when considering the S211 application for the removal of the Wellingtonia tree. If the S211 application is rejected; and a Tree Preservation Order are placed on the Wellingtonia tree, this will cause further extensive damage to Mr Orson's home. The only option if the Wellingtonia tree remains is to underpin the property. The cost of the underpinning would be in excess of £70,000.00. The

upheaval to Mr Orson and his family having to leave their family home will be unbelievably disruptive as they would have to vacate for approximately six months while the substructure repairs and superstructure repairs undergo. When considering the S211 application they would urge you to have compassion and empathy for Mr Orson and his family.

With regards to these comments received, as outlined in the report, there have been a number of trees removed from the site with no further monitoring to establish whether this has been sufficient to rectify the stability and the resultant damage. It is considered that there is uncertainty as to whether it is the Wellingtonia that is the cause of the damage and further evidence is required. If an Order is imposed the applicant has the opportunity to object with any additional information available and would be free to apply for the trees removal if the Order is confirmed so long as it is supported by information to demonstrate it is the cause of the damage.

The tree is considered to have an important amenity value in the streetscene and the reasons given for its removal are not considered sufficient to warrant the loss of such an important tree and accordingly it is considered to be worthy of a Preservation Order as set out in the report.

The Chair noted that on page 3 of the Officer's report the LCC Arboricultural Officer requested that further analysis of the effect of the tree on the dwelling was preferable to its removal due the amenity value and possible historical importance of the Wellingtonia.

Cllr Baguley noted that Cllr Orson had already removed 31 trees from the site and proposed that it was the removal of those trees that had caused the soil movement and subsequent damage to the building not the Wellingtonia.

The Applications and Advice Manager confirmed that the figure was not as high as 31.

Cllr Baguley noted that the Wellingtonia is unusual and should be protected. **She proposed that a Tree Preservation Order** be made on the tree.

Cllr Holmes **seconded the proposal of a Tree Preservation Order on the tree.**

Cllr Simpson stated that she believed it was wrong to put a tree before the person and their home. The tree may be causing the problems and protecting it will only cause more damage to the house.

A vote was taken to place a Tree Preservation Order on the Wellingtonia: 5 in favour, 2 abstentions.

**DETERMINATION : That the tree is made subject of a provisional Tree Preservation Order.**

D58 URGENT BUSINESS

None.

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

Chair