



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

20 December 2012

PRESENT:

P.M. Chandler (Chair), P. Baguley,
P. Cumbers J. Douglas, A Freer-Jones
M. Gordon, E. Holmes, J Simpson, J Wyatt

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

D59. APOLOGIES FOR ABSENCE

Cllrs T. Moncrieff and Botterill

D60. MINUTES

Will be brought forward at next meeting.

D61. DECLARATIONS OF INTEREST

None

D62. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00582/FUL
Applicant: Mr Harman
Location: Land to the rear of the 21 Bolton lane, Hose (former Black Horse)
Proposal: One new dwelling, new stables and temporary caravan

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for a revised house type and siting to a previous approval allowed at an appeal. The proposal also includes the erection of stables and to site a caravan for a temporary period whilst the dwelling is being constructed. The site lies to the rear of the Black Horse Public House, in Hose.

There is an error in the report on page 3 which should state Hose and not Gaddesby.

Since publication of the report Cllr Rhodes has asked for the following to be conveyed to Members

"Colleagues, I write to tell you I am opposed to the granting of planning permission for a new dwelling on the land to the rear of the Black Horse, Hose as sited in the application.

From the detailed plans I can see that nearly half of the proposed footprint would be outside the village envelope. In strict terms this is contrary to saved policy OS2. The argument put forward for allowing the departure is that this would position the building further from the nearby dwelling at the front of the site. So it would. Positioning it a mile away into to open countryside would be even better, but that would clearly not get approval.

This is not a minor breach of the envelope which I think could be permitted. It is a significant breach which should not.

I ask you to refuse the application."

The proposal seeks approval for a dwelling and stables on a brownfield site within the village of Hose. The amended proposal seeks to provide an L-shape dwelling to meet the applicants' needs whilst improving the residential outlook of the remodelled public house which sits to the rear of the site. The site benefits from extant planning permission but due to the village envelope running to the rear of the site the re-siting moves part of the dwelling outside of the village boundary as defined within the Local Plan. It is considered that the proposed relocation would not have a detrimental impact upon the character of the village or the countryside due to the dense screening of the site from the open countryside beyond, its former use as a beer garden and its approved use as residential curtilage. It is considered that this application represents a balance between the breaching of the village envelope and reducing the impact on the residential amenities of the occupiers of the converted public house. In this instance, due to the site already being approved for residential curtilage the harm to the open countryside is not so demonstrable to warrant a refusal when weighed against the benefits to the occupiers of the converted public house. 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) Cllr Machin, Parish Councillor for the area, was invited to speak and stated that:

- It was a significant breach of the village envelope.
- Out of keeping and not characteristic for this part of Hose. Contrary to PPG15, OS1 and BE1
- Due to the size of the stables it seems it would be used for more than one horse and this would mean equestrian vehicles.
- Turning area would be insufficient for equestrian vehicles and if permitted a turning circle should be provided.

The Applications and Advice Manager replied to Cllr Machin:

- Described the extant permission and compared to the application before Members.
- LCC Highways have no objections and deem the turning space sufficient. There is a condition to keep the site for personal use only.

Cllr Baguley questioned:

- The Permitted Development (PD) rights, asking if the extant application had restricted the PD.
- Could the PD rights be removed if the application before the Members was approved?
- Worried about this application setting a precedent with being outside the village envelope if approved.
- Asked for confirmation if new proposals had the eave height lower than previously.

Cllr Gordon stated that she thought the amended plans for the house were better but had concerns about the neighbour having to look out at a brick wall.

The Applications and Advice Manager replied:

- Extant permission did not remove PD therefore up to 50% of the curtilage could be developed under these rights
- The PD rights could be removed on the current application if approved as noted in Condition 5 proposed in the report.
- Each application should be taken on its own merit.
- The size and scale of the proposals are similar.
- The terrain of the site reduces the impact of the stables and the distance between the proposed stable and the neighbour is 15m. View or outlook from a dwelling is not a planning consideration.

Cllr Holmes questioned:

- How many stables would there be.

- How can we ensure that it is only used for personal use.
- Concerns about the wording 'livestock and waste bedding' in the conditions proposed in the Officer's report. What kind of animals will be kept? Could a condition be added for the removal of the manure?

Cllr Chandler was also concerned with Condition 7 and the waste bedding.

The Applications and Advice Manager replied:

- There would be 1 stable block; comprising of 2 stables and storage in between.
- If in breach of conditions, enforcement action would be taken.
- The wording of the condition can be changed from 'livestock' to 'horses'. Nuisance caused by waste bedding would come under Environmental Health regulation and be enforced by them.

Cllr Simpson has concerns about the size of the stables and their position. She finds the rear elevation of the stables bland and their position in front of smaller properties unacceptable. The amenity of their neighbour is undermined by the larger buildings and she would prefer a smaller stable. Furthermore the village envelope is being breached.

Cllr Chandler endorses what Cllr Simpson said and thought they are trying to fit too much in and without the stable it would fit within the village envelope.

Cllr Freer-Jones asked if any other houses extended beyond the village envelope on that road.

The Head of Regulatory Services noted that the village envelope mainly followed a line behind properties and therefore contained most dwellings.

Cllr Freer-Jones said she was happy with the position of the house and questioned if the stable can be redesigned to avoid loss of amenity to the neighbour.

The Applications and Advice Manager reminded Members that they had to consider the application before them.

Cllr Baguley **proposed refusal of the application** due to it being outside of the village envelope and harmful to the character of the countryside.

The Head of Regulatory Services confirmed the reasons for refusal.

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

Cllr Simpson stated that she has concerns with the loss of amenity of the neighbour and would like to see that added to the reason for refusal. She would prefer to ask for deferment to move stables but will support the refusal if amenity was part of the reasons for refusal.

The Applications and Advice Manager confirmed Cllr Simpson's reasons she wished to be added.

Cllr Simpson accepted The Applications and Advice Manager's wording.

Cllrs Baguley and Cumbers agreed to the changes in wording for the refusal.

Vote on the refusal of the application: 6 in favour, 3 against (Cllr Gordon asked for her vote against the refusal to be recorded).

DETERMINATION

Application refused for the following reasons:

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

2. The proposed stables, by virtue of their scale, bulk and mass and their positioning along the boundary of the adjacent residential property, no. 17 Bolton Lane, would result in an undue overbearing and visual dominance, resulting in a unacceptable detrimental impact on the residential amenities of the occupants of that property. This would be contrary to policies OS1 and BE1 of the Adopted Melton Local plan.

D63. URGENT BUSINESS

None

The meeting commenced at 5:30 p.m. and closed at 6 p.m.