



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

31 January 2013

PRESENT:

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

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

D69. APOLOGIES FOR ABSENCE

Cllrs. P. Baguley and T Moncrieff

D70. MINUTES

10th January 2013

Cllr Gordon requested the first paragraph on page 164 be deleted as it was incorrect. Councillor Cumbers agreed stating that any inaccuracies in the Minutes can be corrected. Cllr Chandler referred the matter to the Solicitor to the Council and upon checking the Constitution, agreed that if the wording is incorrect and the paragraph should be deleted.

The Members all agreed that the paragraph should be deleted.

Cllr Gordon corrected page 174. Cllr Gordon asked if overbearing could form part of the grounds for refusal, not Cllr Simpson.

Cllr Botterill stated that as his copy of the Minutes had missing pages, he would not be voting.

Cllr Chandler stated that the wording should be changed on page 169, first paragraph from : Cllr Simpson also has some concern over the view from nearby Great Dalby; to : Cllr Simpson also has some concern over proximity to nearby Great Dalby.

Cllr Wyatt stated that the wording should be amended on page 174 from : Cllr Wyatt believes that policies OS1 and BE1 of the Melton Local Plan are contravened. He would prefer to see a smaller dwelling; to : A Member believes that policies OS1 and BE1 of the Melton Local Plan are contravened. They would prefer to see a smaller dwelling.

Cllr Chandler corrected page 176. Cllr Baguley questioned whether the use of UPVC windows would be permitted for the existing outbuildings, not Cllr Cumbers.

Cllr Chandler amended page 177 by deleting the paragraph which stated : Cllr Cumbers asked if the UPVC windows could be used on the outbuildings.

Cllr Chandler corrected page 179 – The meeting commenced at 6.00 p.m. not 5.30 p.m.

Cllr Freer-Jones requested that where her name is mentioned in the Minutes as Cllr Freer, it be corrected to Cllr Freer-Jones.

Cllr Freer-Jones **proposed the changes to the Minutes as a true record** and Cllr Homes **seconded the proposal**.

A Vote on approval of changes to the minutes of the meeting held on 10th January 2013: 8 in favour 1 abstained. It was agreed that the Chair signed them as a true record.

D71. DECLARATIONS OF INTEREST

Cllr Wyatt and Cllr Freer-Jones declared an interest in application no. 12/00824/FUL due to their participation in the decision to pursue the development as Members at the PF and A Committee meeting in July 2012..

D72. SCHEDULE OF APPLICATIONS

- (1) **Reference: 12/00884/FUL**
Applicant: Mr B Wood
Location: The Old Mill House, 37 Edmondthorpe Road, Wymondham
Proposal: New office building

(a) The Head of Regulatory Services stated that:

The application was for an office building just outside Wymondham. Application is before the Committee as it not a 'perfect fit' with policy requirements, introducing office accommodation into a location outside the village. However, it is considered there are specific advantages – the direct relationship with the existing business – that improves its sustainability and with the support for rural business in the NPPF, the balance of the issues lies in favour.

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

- From 2000 to 2008, the site was neglected/abandoned, before he acquired the site in 2008. He also gave a brief history of the industrial/commercial use of the site prior to 2000.
- He has been in the building trade for over 15 years and has grown the business from being a sole trader to turning over 1 million last year.
- He employs 2 full time staff and numerous local subcontractors – which he is looking to expand upon.
- He feels the time is right for the opportunity to grow/expand and diversify the business – hopefully offering a little back to the village economy.
- He, his staff and customers support the village amenities.
- He has carried out a number of build projects in the village, as well as carrying out remedial work to the parish church, which is grade 1 listed.
- The application presents an opportunity to tidy up a piece of neglected land and offer further improvements to the village.

Cllr Holmes commented that the clean up would be brilliant and **proposed approval of the application**

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

Cllr Cumbers feels that the recommendation of condition 8 is not necessary.

Following a discussion regarding condition 8, the Head of Regulatory Services agreed it could be discarded.

The Chair questioned the opinion of the proposer and seconder and both Cllr Simpson and Cllr Holmes agreed that condition 8 should be deleted.

Cllr Gordon questioned whether there would be conditions as to what type of business could go into the office – and would this be classed as a change of use and have to go back to Committee.

The Head of Regulatory Services explained that “an office” is quite narrowly defined in law – so it doesn’t take much to step outside that to generate a new application.

Cllr Botterill stated he was very happy to support the application as it would be beneficial to see the area tidied up and it was good to see businesses investing. He felt this was the way forward to help get the country back on its feet and hoped everyone would support it.

Vote on the approval of the application (subject to deleting condition 8): It was unanimously agreed to approve the application.

DETERMINATION: PERMIT, subject to the conditions set out in the report, with the exception of condition no. 8, for the following reasons:

The application site lies in the designated open countryside and as such there is no presumption in favour of development under Policy OS2. The application has been submitted with supporting information which states that the proposal would sustain and complement existing local employment and would be of economic benefit. The proposal is not considered to have a detrimental impact on the character and appearance of the open countryside or any adjoining residential properties. The NPPF post-dates the Development Plan and supports rural economic growth. Accordingly the application presents the need to balance economic growth considerations with those of sustainable development. In view of the established nature of the business in the area it is considered that economic development considerations outweigh any concerns relating to the sustainability of the development.

(2) Reference: 12/00824/FUL

Applicant: Melton Borough Council

Location: Car Park, Burton Street, Melton Mowbray, LE13 1GH

Proposal: Engineering works to improve surface layout and drainage of existing car park and footpath link to the railway station.

The Chair stated that it had been drawn to her attention that the footpath link was not specifically advertised as part of the application.

Further to the Declaration of Interest – Cllrs Wyatt and Freer-Jones left the room at 6.25pm. (as they were on the PF & A Committee on 3 July 2012, which discussed this application. Cllr Cumbers explained that she was at that meeting but had dismissed herself during the discussion of this topic).

(a) The Head of Regulatory Services stated that:

- The proposed improvement of car park through formalisation of the surface
- It also includes footpath link to the station, but not the boundary treatment to play close as this is achievable as permitted development.
- Proposals include drainage details which have been developed with the Environment Agency. Detailed discussions are underway regarding its design capacity. However, these have not reached their conclusion and the condition relating to drainage is considered necessary to ensure the solution is sufficient.
- The proposals would represent a significant improvement of the area and enhance the setting and views of the church.

Members had a discussion on whether the footpath link should be included.

Cllr Cumbers was not happy about the issue of the footpath link and suggested the issue go back to P,F and A Committee. She stated that it has not been properly consulted on and was not advertised correctly in the Melton Times and the public may not feel that they have been fully consulted.

The Head of Regulatory Services agreed that the advert was not fully explicit in the Melton Times or on site, however, it was always on the original application and therefore anyone who looked at the application would see the footpath link was included.

Cllr Chandler stated as Cllr Cumbers had brought the matter to her attention earlier in the day, she had taken the matter up with the Leader of the Council and he was happy for it to be deferred for transparency reasons. She further stated that the car park needed renovating and bringing up to scratch before the tourist season starts and so there is a dilemma on what to do. She questioned if the footpath link could be left out of this application.

The Head of Regulatory Services stated that it would be beyond the scope of conditions to delete part of the proposal and not something he could recommend. His view is that despite the shortcoming that Cllr Cumbers has identified, he believes that the advert is adequate, if imperfect, and is unlikely to lead to challenge. The PF& A procedures do not need to be a concern for the Committee but the relevant officers can be reminded that all appropriate authority should be secured before development begins.

Cllr Chandler stated it would have to go back to the PF & A before any work could commence.

Cllr Cumbers questioned that if they can't do anything until the matter has gone back to PF & A, why can't we get another consultation in before then?

Head of Regulatory Services stated that could be an option. If we defer now and advertise more comprehensively and running parallel to that, the other teams of the Council could do their fine tuning.

Upon Cllr Cumbers proposing deferral of the application, The Application and Advice Manager suggested an alternative way forward might be to delegate to Permit, subject to that consultation.

Cllr Cumbers stated she agreed, subject to the consultation being undertaken and and no additional issues arising from it.

Cllr Cumbers questioned the requirements of the Environment Agency.

The Head of Regulatory Services advised that the requirements are captured by the condition that is recommended.

Cllr Cumbers therefore **Proposed approval of the application**, subject to conditions.

Cllr Holmes **seconded the proposal to approve the application** and to delegate to Officers, to speed things up.

Cllr Cumbers wanted confirmation that the Environment Agency are aware of the footpath link.

The Head of Regulatory Services confirmed that they had the whole application, so would have seen the footpath link included.

The Chair sought the opinion of the Solicitor to the Council and she agreed we could take this route.

Cllr Simpson stated that she believed there would not be a lot of opposition and that it was a positive thing to do. She agreed to making a decision, with conditions, as mentioned earlier.

Both Cllr Chandler and Cllr Cumbers agreed it would be a good idea to have a footpath there.

Cllr Botterill stated that this site had been on the agenda for the past 30 years and he is glad to see that it is coming to fruition. The flooding problems of the past seem to have been sorted. With the new Council offices, the whole area has been enhanced and once the car park has been completed it will benefit the shops on Burton Street and be positive for Melton Mowbray and good for visitors.

Cllr Chandler added that anyone visiting Melton on the train, who was able to walk up straight up by the side the Church, as an alternative route, would be a vast improvement.

Cllr Botterill further added that by having the car park there, nothing could be built in front of the Church from either the Council Offices or the Station.

Cllr Chandler added that the lights are sympathetic.

Vote : Vote on the approval of the application: It was unanimously agreed to approve the application with the proviso that it goes back to PF & A and delegated to Officers.

DETERMINATION: Approve, subject to:

- (a) The conditions set out in the report and;
- (b) That the application is re-advertised with specific reference to the footpath link and no new issues arising from this exercise

Reasons:

The proposals will significantly improve the area and assist in regenerating this part of Melton Town Centre. In particular the links to the station and the town centre will be improved raising the profile of the area for residents and visitors to Melton and preserving the aspect to St. Marys Church. The flood risk will remain but will be ameliorated by the use of sustainable drainage systems to reduce the risk of localised flooding and exacerbating flood issues elsewhere. Conditions have been imposed to ensure the use of sustainable drainage systems and to allow for archaeological investigation.

6.40pm. Cllrs Wyatt and Freer-Jones returned to the room.

D73. DEVELOPMENT CONTROL PERFORMANCE: 2012/13 (QUARTER 3)

The Applications and Advice Manager reported that :

There has been a slight dip in performance in Q3 performance. However, it is considered that this has been due to workload and backlogs. These backlogs have been cleared and it is hoped that performance will improve in Q4.

Worthy of note is the performance of the enforcement team and that completion of character appraisals and published management proposal for Conservation Areas. However, on the whole performance is considered to be good and the Officers should be commended for their efforts.

Cllr Chandler commented that any dip is of concern, but appreciates all the work that has to go into all the appeals.

Cllr Cumbers requested to know how many hours Officers spent on appeals.

The Applications and Advice Manager stated she could ask the Officers to note their time.

Members discussed the resource implications of the appeal for the Asfordby mine site.

Cllr Chandler pointed out that The Head of Regulatory Services had recommended approval and the Committee had refused it had triggered the need for externally sourced expert witnesses.

Cllr Botterill suggested Councillors take more notice of Officers recommendations.

Cllr Freer-Jones was very positive about the way the Officers work and carry themselves and **proposed to commend the Officers work.**

Councillor Simpson **seconded the proposal.**

D74. URGENT BUSINESS

None

The meeting commenced at 6.00 p.m. and closed at 6.45 p.m