



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

14 March 2013

PRESENT:

P.M. Chandler (Chair), P. Baguley,
G Botterill, P. Cumbers, J. Douglas
M. Gordon, T Moncrieff, J Simpson, J Wyatt,

Observer Councillors – D Wright, B Rhodes

Head of Regulatory Services, Applications and Advice Manager (JW)
Solicitor to the Council (VW), Housing Policy Officer (SF)
Administrative Assistants (JB and TC)

D81. APOLOGIES FOR ABSENCE

Cllrs A Freer-Jones and E. Holmes

D82. MINUTES

20 February 2013

It was pointed out that a draft version of the minutes had been distributed in error and Members unanimously agreed that a paragraph from a previous set of minutes on pg 194 be deleted and the minutes be reprinted for clarity.

The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record once reprinted.

D83. DECLARATIONS OF INTEREST

None

D84. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00123/OUT
Applicant: David Wilson
Location: Land Adjoining Belvoir Road And Green Lane, Belvoir Road, Bottesford
Proposal: Outline residential development up to 56 dwellings, including 22 affordable 2 and 3 bedroom dwellings, together with site access and entrance road, service utilities infrastructure including pumping stations, and associated open space on land to the rear (east) of 33-51 Belvoir Road, Bottesford, Leicestershire

(a) The Head of Regulatory Services stated that:

Mr Love also wrote to you all raising questions of heritage assets that are not addressed in the report. This confusion has arisen because although he made these representations to you, he did not include them in his letters to the department. Specifically he is concerned about:

- Views of the church from across the fields south of the village from public footpaths. The appreciation of the spire 'standing proud' of the village will be compromised by this development.
- Appreciation of the setting of Belvoir Castle on the escarpment will be lost by users of the recreational land and cricket club – a view that has been available for centuries.

Mrs Love has addressed you with a particular focus on flooding, concerned that building on the flood plain will exacerbate flooding elsewhere.

Update

Letter from Mr Seymour that has been circulated to you all earlier today. This requests deferral of the application for various minor errors and response to several issues:

Summarise as follows:

- Location of access described incorrectly
- Density of Howitts Road compared to site is questioned because they are different house types.
- Description of the difference between the site and the one referred to in the SHLAA –
- Insufficient evidence on the demand for recreational facilities: the Playing Pitch assessment is insufficient on its own
- No conditions on the protective fence as referred to in the report

- No reference to CS policy C15 (separation of settlements) and the evidence document that identifies this site as important.
- Uncertain of affordable housing at the level proposed would be secured if less than 56 houses were built which is possible because the application is 'up to' 56, not precise.-
- Definition of open countryside: land inside the VE should be regarded as open countryside given its character and use. It is only in the VE because of the Recreation allocation and the boundary line is arbitrary. It is, and reads, as part of the open countryside and should be afforded protection just as the remainder of the site does from OS2
- There is no justification of the claim in the report that the setting of the village is unharmed. The site is specifically described in the ADAS report into separation areas as valuable and worthy of protection for amenity reasons.

The Head of Regulatory services responded to the points raised by Mr Seymour as follows:

- There is no confusion over the location of the access, it is shown on the plans and was the subject of the site inspection.
- Howitts Road has a density of approx. 17 ph (34 in 2 ha); this application would be 56 in 3.24 ha – 17 if took the whole site, 33 if we assume the indicative plans are to be followed.
- The description of the difference between the site and the one referred to in the SHLAA is not considered relevant: this application is getting no 'credit' from the reference in the SHLAA.
- On the question of the evidence on the demand for recreational facilities he suggested the Committee proceed with that available rather than speculate as to what a further study may reveal.
- The protective fence is considered to be part of layout and landscaping (conditions 1 and 5) but agree it may be helpful to make specific reference, in which case adding to the spec in cond. 3 would be appropriate.
- The site slightly infringes on the area identified in the ADAS report. This is an evidence document towards the core strategy and if accepted then subsequent exercises will establish its exact extent. Accordingly, it is considered to be too soon and subject to too much challenge to be relied upon as a reason to refuse the application.
- Confirmed that the recommendation is based on the provision of the full 22 and not a sliding scale based on a proportion of the total.
- Definition of open countryside: there is no dispute it is Greenfield land but equally there can no dispute what can be called is open countryside as this is a precise definition (Land outside VE is defined as such in Local

Plan). Issue of the value of this site, and the harm caused by its development are considered to be key issues for your considerations.

None of the houses will be in the flood plain but the access will be. The agencies have requested a condition requiring that the drainage ensures Greenfield run off rates are maintained so in combination, neither will houses be vulnerable to flooding nor will they displace flood water to other locations. In this respect Conditions 3 (location of houses) and 10 (run off rates) are important, to secure the factors that allow this conclusion.

The starting point for the application is considered to be a rather confused policy position which we have sought to explain on pages 10 -13. In essence, we believe the housing policies we usually rely on (OS1 and H6) are undermined twice over by the NPPF because it firstly states that older local plans should be set aside if out of date, and reiterates this in circumstances where there is insufficient housing land supply. Both of these circumstances apply to Melton at present.

The same cannot be said of OS2 and we consider this to remain reliable as compatible with the NPPF. Accordingly, at the bottom of page 12 I have highlighted 2 key judgments that I believe you need to address to determine the principle of this scheme, before proceeding to any detailed matters.

There are a wide range of issues raised in addition to then flooding situation referred to above. Several of these cannot be definitively answered because of the outline nature of the application.

However, the status of Policy R1 is important and I would draw attention to the judgement made regarding its continued relevance page 13, particularly in light of the comments received recently. My view is that we have to use the evidence we have – rather than speculate on what a further exercise might reveal - and it is on this basis I have drawn the conclusion on page 13.

Turning again the main issues I would draw attention to the conclusion on page 17. Here I have sought to set out the balance between the negative aspects of the application, having concluded that these are dominated by the loss of green field and the intrusion into the countryside by the road, play area and balancing pond and the benefits , which are considered to be the housing supply issues and affordable housing provision. As you will note, I consider the latter should prevail. However, these matters are extremely subjective and that conclusion is based on the emphasis I interpret is given to these aspects by the NPPF, corporate priorities and frustrated attempts to secure affordable housing in Bottesford, couple with what I see as limited harm to the countryside by the nature of the development. I entirely respect that other commentators may attach less value to the former, and greater concern to the latter, which would create an opposite conclusion.

Finally, a couple of remarks on the recommendation:

S106 part (v) – this should be interpreted as meaning the 22 houses of the type proposed. If the developer came back with a smaller scheme, and lesser number of houses, all the balances I have described would be affected and a fresh adjudication would be necessary – it is a number not a proportion.

Conditions:

1. Should set 3 years for submission, not 2
12. Should of course specify Belvoir rd not Grantham rd and should be 2.4m x 43.
16. Should refer to Belvoir Rd not Grantham Rd.

The Chair asked for clarification on the current status of the supply of land for housing.

The Housing Policy Officer replied that a recent appeal decision had demonstrated that figures were below the desired level and the National Planning Policy Framework (NPPF) had introduced further requirements regarding land supply.

The Head of Regulatory Services continued by adding more detail to the calculations and confirmed that land supply figures are falling short of NPPF requirements.

(b) Anna Ablewhite, on behalf of the Parish Council (PC) was invited to speak and stated that:

- The site is greenbelt land
- The site should have been removed from the village envelope following consultations with the PC
- The proposed access is outside the village envelope
- The road off which the access is proposed is too small for the number of dwellings proposed
- The attenuation pond will be dangerous for children
- The development is too large and not in keeping with the village
- The site is in the flood plain and will increase the risk of flooding to neighbours
- The road attracts speeding and will be overly congested, especially at the narrow bridge
- The village does not need any more 4 bedroom properties
- The village does need more affordable homes but not all in one place
- The local schools have recently expanded and do not have the capacity to absorb more pupils
- The villagers are very against the development even though there is a promise of affordable housing
- The proposed cricket netting will not be sufficient. The cricket club was there first and should be protected.

(c) Mr Young, an objector, was invited to speak and stated that:

- The site visit will have made clear to Member the impact the development will have on heritage assets
- There have been many objections
- The NPPF is used to override local objections but the Council did not follow NPPF guidance on local consultations recently undertaken regarding the village envelope revisions.
- The NPPF is meant to produce sustainable development, but the current use onsite is agricultural and therefore should not be lost
- The cricket club would like to have the option of using the land for leisure and policy of the site should protect recreational use
- The Environment Agency (EA) have not independently approved the Sequential Test and part of the site (especially the access) is in a flood plain.

(d) Mr Downes, agent for the applicant was invited to speak and stated that:

- Many points have been covered in the Officer's report
- The NPPF is a material consideration; its key objective is to increase housing supply
- As the Council recognise that housing land supply is currently inadequate existing housing policies have to be set aside
- The scheme benefits from a 40% affordable housing figure, or 22 units should 56 houses be built, however should fewer houses be built the applicant is keen to keep the 40% figure for affordable units
- David Wilson have consulted with both locals and the Planning Department
- Section 106 agreements will benefit local amenities
- Bottesford as a rural centre is an important part of providing housing and the site is supported by policy.

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

- The proposals have caused great concerns for neighbours, over 100 objections have been received regarding: the affordable housing, additional traffic, green field land use, flooding, school provision and impact on the character of the area
- Feels that the report adequately deals with each of the issues raised
- The developer must be required to build 22 affordable homes as proposed
- Surface water should be directed away from the village.

The Head of Regulatory Services replied to the speakers.

- The site is not in a 'green belt' but it is a green field site.
- The County Highways department have not objected to the proposal and the site visit should have clarified issues regarding the lay of the road and the access point visibility.
- The site is not being over-intensely developed as it consistent with the area around it.
- The EA flood zone map shows that almost all of the site is outside of the

flood zone and drainage proposals will result in no increase in run-off from the site from current levels.

- The development gives the opportunity for much needed affordable housing in the area.
- The developer has agreed to the funding of local amenities such as schools as part of Section 106 agreements.
- The netting proposed along the boundary with the cricket pitch will not become the responsibility of the cricket club or have to pay for its maintenance. Netting already on site was seen by Members during the site visit.
- Members visiting the site saw the heritage assets referred to by Mr Love and therefore are able to determine the impact upon them, however, the height of the development is significantly less than these assets and the setting of these assets will not be impacted by the scale of this development.
- The public consultation referred to by Mr Young regarding the village envelope was just the first stage of the process and not yet finalised. Decisions cannot be made to wait for these outcomes, which may not be available for another 18 months. Members have to make decisions based on the facts before them.
- It is a negative aspect of the proposals that it is a green field site currently.
- It is for the Council to approve the Sequential Test and not the EA.
- Regarding the measures for drainage: all details for the control of water will have to be submitted before works can commence as drafted in the conditions in the report.
- Councillors will have to decide if 40% affordable housing figure will be sufficient if less than 56 houses are built and therefore less than 22 affordable units are built. Should Members want 22 affordable units built they will have to stipulate this as part of an approval.
- The NPPF states that significant harm has to be demonstrable for the development to be refused.

Members agreed that they wished 22 affordable houses to be built on the site regardless if the numbers of houses overall fell during the detailed stage of the application. They also would like to see the affordable units dispersed throughout the development not all placed in one area of it. Members discussed the options available for traffic calming, cricket netting, footways and the attenuation pond.

Cllr Simpson stated that her concerns had been addressed in the Officer's report. She agreed that 22 affordable units should be built, some form of traffic calming considered, movement of water away from the existing neighbours and the netting to not become the a maintenance burden upon the cricket club. She **proposed approval of the application.**

Cllr Baguley agreed with Cllr Simpson and **seconded the proposal to approve the application.**

The Head of Regulatory Services confirmed that the plans available were only indicative layouts and the affordable housing should be spaced throughout the development. He added that the applicant had no authority to improve the footways or instigate traffic calming on areas outside of their ownership but concluded that the County Council could be approached to survey the area and possibly make improvements. Attenuation ponds had been used in other developments with no reported incidents; details of the construction and fencing had yet to be submitted for the officers to consider fully.

Members disagreed regarding the use of the netting; stating that it may not keep all cricket balls from the development area and may be unsightly.

The Head of Regulatory Services stated that there was no guarantee that all cricket balls would be stopped by the netting.

The Head of Regulatory Services clarified the reasons for approval.

Cllrs Simpson and Baguley agreed that the reasons were satisfactory.

A vote was taken to approve the application: 8 in favour, 1 against. Cllr Gordon wished for her vote against to be recorded.

DETERMINATION: PERMIT, subject to:

- (a) The completion of an agreement under s 106 agreement to secure:
 - (i) Contribution for the improvement to primary education capacity
 - (ii) Contribution for the improvement of secondary education
 - (iii) Sustainable transportation (all as set out on page 8 above)
 - (iv) Contributions to the capacity of the police service (page 4)
 - (v) The provision of 22 affordable houses, including the quantity, tenureship, house type/size and occupation criteria to ensure they are provided to meet identified local needs;

- (b) The conditions as set out in the report (incorporating amendments to nos. 1,12 and 16 as described by the Head of Regulatory Services).**

For the following reasons:

On the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and protrusion into the open countryside – are considered to be of limited harm, particularly because they can be controlled by conditions to limit their adversity.

- (2) **Reference: 12/00806/FUL**
Applicant: Mr And Mrs D Biggadike
Location: Old Dairy Buildings, Stathern Lane, Harby
Proposal: Clearance of site including demolition of existing redundant farm buildings, erection of five retirement bungalows

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the erection of five retirement bungalows. The site lies outside of the village of Harby in the designated open countryside. The application proposes a mixture of 2 and 3 bed bungalows.

Since publication of the report comments have been received from English Heritage who advises that they have no comment to make on this occasion.

The Council is also in receipt of a further letter of support and a further letter of objection.

The letter of support states that they have no objection to the proposal on the condition that if the properties are given the go ahead that they are made available to the local community.

The letter of objection states that they do not understand why the developer and Parish Council think that housing elderly and vulnerable people outside the village envelope is a good idea. The dwellings would be in a vulnerable position. The plans show 2 and 3 bed bungalow with 12 dedicated spaces and clearly this is an exclusive development rather than an affordable development. How do developers ensure that these dwellings are retirees only? There is not a bus stop right outside the site, the bus stop is at an entrance to a field across the public byway to get to this location you need to cross Stathern Lane, Pinfold Place and Stathern Lane again due to lack of pavement. In this area the speed limit is ignored. Without any traffic calming then they fail to see how this can be deemed as a suitable site for elderly neighbours. They ask, would anyone would cross the road to catch a bus to go to the village centre and then wait an hour to get a bus back rather than use a car? In the 7 years the objector has lived in the village the land has been derelict, unmaintained and allowed to fall into disrepair.

Since publication of the report we have also received comments from four registered housing providers who have advised the Council that whilst they would have been interested in the site if it was for wholly affordable housing they would not be willing to take on one unit in the site.

This concludes the updates to the report. It is considered that all of these additional points raised have been considered within the committee report. With regards to the bus stop as seen on the site visit this afternoon there is no physical bus stop but the

hourly service goes along Stathern Lane and is a hail and ride service. With regards to the registered housing provider this relates to the assessment on page 6 of the report which relates to the offer of one affordable unit by the applicant and the concern of the Planning Officer that no registered provider has been identified at this stage of the application.

Turning to the assessment of the application. This application represents a balance of planning issues that Members need to consider: the application would provide 5 properties built to Life Time Homes, would address a shortfall in house type and offer one affordable unit. However, this is required to be balanced against the location of the site outside the village envelope, it being detached from local services and a failure to commit to fulfil local needs. There is also a concern on how the affordable unit could be provided and managed. On balance it is considered that the application cannot be supported and that the material consideration do not outweigh the development plan policies and is therefore recommended for refusal as set out in the report.

(b) Councillor Weston, on behalf of the PC was invited to speak and stated that:

- Despite being outside the village envelope the PC support the application as it meets local need for this type of housing
- They hoped that a housing association would make use of the land, but are supporting this private initiative
- No other applications for bungalows in Harby but they are needed
- A bus goes past the site hourly
- Would like to have well designed and easy to maintain buildings on site.

(c) Mr Cheung, agent for the applicant was invited to speak and stated that:

- The site was previously industrial use and is therefore a brownfield site
- Bungalows are in short supply and are popular with older people
- Proposals are targeted at retired local people
- Local land supply is short and this site should be considered an exception site
- Client is willing to put towards improvements in nearby Harby
- Amenities are local to the site, with many services available and a good public spirit
- The dwellings will be marketed to local people initially, then the wider area before going to the open market
- The design and proposed build of the dwellings is of a high standard
- Policies support the application.

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

- He lives in Harby
- Would like to see better provision of this type of property
- Huge demand in Harby for bungalows and the Council should react to people's needs
- It would be a popular decision if it was agreed

- Important that the bungalows are occupied by local people.

The Applications and Advice Manager replied that although the site was brownfield this had to be weighed against other policies as set out in the report. Having only one dwelling as an affordable unit leads to identified issues with its management. It is agreed that Harby is a sustainable village but the site of the development is in the open countryside and therefore an unsustainable site. Ensuring that the dwellings are sold to the target group would require a legal agreement binding the applicant to these terms. Regarding smaller dwellings and available land currently in Harby; there is an extant permission for 6x 2 bedroom dwellings in Harby and 2 further sites identified as possible housing locations within the village envelope.

The Chair noted that there is a shortfall of housing for the elderly in the Harby area.

Cllr Baguley, Ward Councillor for the area, stated that there is a need for this type of development and **proposed to approve the application**. She suggested that if the site was suitable as an exception site then it was suitable for the proposed development. She continued; that residents downsizing to move into the bungalows would have the financial resources to not require an affordable unit and believed it to be unnecessary.

Cllr Wyatt **seconded the proposal to approve the application**. He agreed with Cllr Baguley that there was not a proven need to have any affordable dwellings on site but there was a market for retirement bungalows

Cllr Wright left the meeting at 19:30

The Applications and Advice Manager corrected the misunderstanding regarding the 'exception site' policy. She stated that the site could not be considered an 'exception site' as it did not meet the criteria set out in Policy H8 (page 2 of the report) or the NPPF in that the whole site is not proposed to be affordable units.

Members discussed concerns over the location of the development outside the village envelope, the brownfield status, the long term provision of the hourly bus service, the proximity to the local amenities and the imposition of an 'over 55' legal agreement for the sale of the houses. Some Members suggested that there should be more affordable units on the site. Members expressed concerns about the security of the site away from neighbouring properties in the village. Concerns were raised about setting a precedent for development outside the village envelope.

The Applications and Advice Manager replied that regarding a precedent being set: the site was previously used and lay in the open countryside and as such had to be determined on its own unique merits. Also, an approval could be determined requiring further affordable units if agreed by Members though this did not guarantee that a housing association would agree to manage them.

The Housing Policy Officer noted that there are no properties governed by housing

associations in Harby but that there are properties owned by the Council.

The Head of Regulatory Services confirmed the reasons for approval.

Cllr Wyatt was not in agreement stating that there was no need for affordable houses on the site as bungalows were not for 'first time buyers'.

The Solicitor to the Council asked for clarification from Cllr Baguley regarding the reason for approval.

Cllr Baguley agreed with Cllr Wyatt and proposed to approve with no affordable units.

The Applications and Advice Manager clarified the reasons for approval.

Cllrs Baguley and Wyatt agreed.

A vote was taken to approve the application with no affordable housing provision: 3 in favour, 6 against.

Members agreed that there is a need for more bungalows in the area and that there is a need for affordable houses too, however concerns were still raised about the location of the development.

Cllr Simpson **proposed approval of the application** providing that 2 affordable houses are built as part of the development and improvements to the footpath are made.

The Applications and Advice Manager stated that the footpath is outside of the applicants' ownership and therefore cannot form part of the reasons of approval.

Cllr Moncrieff **seconded the proposal to approve the application**. He stated that care needs to be taken when considering applications that do not comply with Policy but that this application does meet a local need and increases the number of affordable units.

The Applications and Advice Manager confirmed the reasons for approval.

Cllr Moncrieff stated that he did not see any reason to restrict the dwellings to 'over 55s' but that local people should be given the first option to buy the bungalows.

The Applications and Advice Manager confirmed the reasons for approval.

Cllrs Simpson and Moncrieff agreed.

A vote was taken to approve the application: 6 in favour, 2 against and 1 abstention. Cllrs Cumbers and Gordon wished for their votes against the application

to be recorded.

DETERMINATION: Approve, subject to:

- (a) A section 106 agreement securing:
 - (i) 2 of the units as affordable houses
 - (ii) Occupancy restrictions prioritising the availability of the units for local need on the basis if Harby initially, then the Parish, then the Borough, then the open market

- (b) Conditions required as standard for applications and those recommended by the Highway Authority

- (c) For the following reasons:

Although the site lies outside of the village envelope for Harby within the countryside there are sufficient other material considerations that justify for allowing the development contrary to the development plan. Housing development in this location represents an encroachment in to the countryside as the proposal is not one of the types of development permitted within the countryside by Policy OS2 of the Adopted Melton Local Plan. However, the site is 'brownfield' in nature and the development would secure a house type and affordable units which would contribute to areas of housing supply which are deficient at present.

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- (3) **Reference: 12/00853/FUL**
Applicant: Mr and Mrs D Swallow
Location: Windy Ridge 34 Harby Lane Plungar NG13 0JH
Proposal: New replacement dwelling with garage to include demolitions.

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

This application seeks planning permission for the erection of a replacement dwelling in the open countryside.

Members will recall that the application was deferred from the 20th February committee to allow an assessment on housing policy, which is now contained within the report. The applicant has also submitted amended plans which reduce the overall floor space of the proposed development by 10 square metres and propose changes to construction materials to brick to address the concerns in relation to render.

There is a correction to page 9 of the report in the last box on the right which should read "it is not considered".

There are no updates to report.

The application was deferred from the last committee to consider housing need. The existing house is a large 3 bed dwelling that does not meet current housing need. The proposed replacement dwelling - a larger detached house is contrary to the same policy - but it is felt that this is not sufficient grounds for refusal

The application seeks to replace a modest dwelling and a group of outbuildings, stables and farm buildings. The dwelling is considered to be a substantial new build and is considered to exceed the provisions allowed within Policy C12 of the Melton Local Plan. However, it will be constructed to comply with Life Time Homes and using sustainable development techniques which would reduce its impact upon the environment and meet the needs of future generations. This would be a vast improvement upon the current dwelling which has no architectural merit and has no sustainable credentials due to its age. The landscape is considered to be capable of absorbing the development and will not have a detrimental impact upon the wider countryside location, furthermore the removal of older depilated buildings will improve the appearance of the site and as such it is not considered that it would undermine the objectives of C12. The proposed modern design is considered to enhance the overall appearance of the site. Therefore the application is considered acceptable and is recommended for approval.

(b) Mr Parry, on behalf of the PC was invited to speak and stated that:

- The comments from the previous committee meeting still apply just certain points to focus on
- The development does not comply with Policy C12, regarding replacement dwellings in the open countryside; this building is far bigger than the previous residential building
- The new dwelling is not ground breaking on sustainable issues and is visually offensive on this site
- Renovation of the existing building would be better
- The site is important as it is at the edge of the village and is in a landscape prized by local villagers
- The environmental benefits of this proposal do not outweigh the impact on the open countryside.

(c) Mr McAfee, agent for the applicant was invited to speak and stated that:

- The applicant has reduced the size of the dwelling in response to concerns raised
- Renewable energy and development sustainability policies are being met
- The report addresses concerns raised by the PC
- Policy C12 does allow for some increase in the size of the dwelling; this proposal actually reduces the footprint size and enhances the setting.

Cllr Baguley, Ward Councillor for the area, asks how much higher the proposed new dwelling is compared to the existing.

The Chair replied that the ridge is 1.2m higher in the proposals as noted in the report.

Cllr Baguley noted that there is nothing wrong with the existing building and **proposed to refuse the application.**

Cllr Botterill **seconded the proposal to refuse the application** as the existing building is appropriate in its setting.

Members discussed Policy C12, the footprint of the existing building and the proposed one, the loss of the out-buildings and the impact of the new building on the countryside.

The Applications and Advice Manager confirmed the reasons for refusal.

Cllrs Baguley and Botterill agreed.

A vote was taken to refuse the application: 5 in favour, 3 against refusal and 1 abstention.

DETERMINATION: Refuse, for the following reason:

In the opinion of the Local Planning Authority the proposal would lead to the creation of a dwelling in the open countryside which is not considered to be of similar size or scale to the existing dwelling or appropriate to the character of its surroundings. The proposal is therefore considered to be contrary to Policies OS2 and C12 of the Melton Local Plan.

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- (4) **Reference: 13/00044/FUL**
 Applicant: Mr & Mrs D Laxton
 Location: 30 Winster Crescent, Melton Mowbray, LE13 0EH
 Proposal: Single storey side extension.

(a) The Applications and Advice Manager stated that:

This application relates to the erection of a single storey extension and has been brought to committee as the applicant is a member of staff at the Council. There are no updates to report and accordingly the application is recommended for approval as set out in the report.

Cllr Wyatt agreed with the Officer's report and **proposed approval of the application.**

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

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

DETERMINATION: Approve, for the following reason:

The application site lies within the Town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed development has been designed to have limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements.

D85. 11/00614/USE: CONSIDERATION OF UNAUTHORISED COMMERCIAL USE. 21 BAGGRAVE END, BARSBY.

No updates to the Officer's report circulated.

Cllr Baguley left the meeting 20:25

Cllr Wyatt **proposed agreement with the proposals set out in the Officer's report.**

The Chair, Cllr Chandler agreed and **seconded Cllr Wyatt proposal.**

Members discussed the activities on the site and impact on the neighbours; including chain-sawing, chipping and burning of materials. The Members were keen to support small businesses but stated that this was not to be at the cost of causing a nuisance to the neighbours, especially the burning of toxic materials.

A vote was taken to agree with the recommendations in the Officer's report: 5 in favour, 3 against.

DETERMINATION:

That the Council serve an enforcement notice, permitting the use to continue on the site to a limited scale, as set out at para 6.1 of the report. It is recognised that the use of the site can have an effect on the amenities of the surrounding residential properties, and as such conditions should be placed on the use to restrict the use to hours of the day and the extent that the use on site could take place at any one time.

D86. URGENT BUSINESS

None.

The meeting commenced at 6.00 p.m. and closed at 8.35 p.m.