



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

23 April 2015

PRESENT:

PM Chandler (Chair), P Baguley,
G Botterill, G Bush, P Cumbers, E Holmes,
J Illingworth, J Moulding, MR Sheldon

As Observers

Cllr B Rhodes, Cllr A Freer-Jones

As Substitute

Cllr J Douglas for Cllr J Simpson (Vice Chair)

Solicitor to the Council (HG), Head of Regulatory Services,
Applications and Advice Manager (JW), Administrative Assistant (AS)

D96. APOLOGIES FOR ABSENCE

Cllr de Burle
Cllr Simpson who was substituted by Cllr J Douglas

D97. DECLARATIONS OF INTEREST

Cllr Chandler declared an interest in application 15/00002/VAC due to a family member renting land from the applicant.
Cllr Botterill also declared an interest in application 15/00002/VAC for the same reason.

D98. MINUTES

Minutes of the meeting 2 April 2015

The Chair stated that Cllr Simpson had asked for an amendment to the minutes on page 317 regarding her recorded vote. Cllr Simpson had asked for the minutes to be

amended to state that her recorded vote was in favour of refusal.

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Holmes. The 8 Committee members who were in attendance at the previous meeting voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D99. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 15/00133/FUL
Applicant: Mr R Button
Location: Valley View, Dalby Road, Melton Mowbray
Proposal: Extension to the existing travellers caravan site by 5 plots/pitches (3 permanent pitches, 2 transit plots) for gypsy/traveller families.

- (a) The Applications and Advice Manager stated that: This application seeks planning permission to extend the existing travellers caravan site on Dalby Road for an additional 5 plots/pitches for gypsy/traveller families. The proposed extension would be for 3 permanent pitches and 2 transit plots. The site is accessed from Dalby Road on the outskirts of Melton Mowbray in the open countryside.

There are no updates to report.

To clarify over the number of pitches/plots, the application is for 5 plots/pitches and the D & A statement states for the permanent pitches it is intended each family have no more than two caravans per pitch, each pitch will contain space for the parking & manoeuvring of two vehicles. For the transit pitches it is intended each family have no more than two touring type caravans per pitch plus parking. Condition 4 on the proposed recommendation restricts the number of caravans to 2 per pitch.

The application proposes an extension to an existing travellers site. The site is within a countryside location; however this needs to be balanced with the requirement of the Borough for additional pitches and the length of time before the replacement Local Plan provides these sites. The benefits arising from the development are that it would contribute to the identified need for gypsy accommodation within the District and the site, although rural, can provide access to the town to health care and education facilities with little impact on the existing established communities. In this case the benefits are considered to be significant in terms of meeting overall need that is currently unmet and accordingly the recommendation is for approval.

- (b) Cllr Freer-Jones, Ward Councillor for Warwick Ward, was invited to speak and stated that:

- There were concerns regarding extending an already existing site.

- It doesn't support or help anyone out of the already established circle.
- There is no benefit to the requirement.
- It's not sustainable as there are no transport links.
- It's not well located near community facilities.
- Impact on countryside.
- We need a balance of these types of sites within the Borough.

The Chair noted that Cllr Simpson had raised similar concerns.

The Advice and Applications Manager advised that any site would be owned in a private capacity and then the pitches would be used by different families, permanent and transit pitches. Page 5 of the report details the need in the Borough. We have to provide 8 more pitches by 2017 and this would provide 5 pitches towards that overall need. With regards to sustainability the site performs well if not ideal, being not too far a distance to facilities in that part of the town.

Cllr Cumbers commented that she had previously raised concerns regarding children walking on a verge rather than a footpath, however she was pleased to hear that no incidents or complaints had been raised. It's refreshing to find a site without huge opposition. Technically it's open country-side but is close to the school and town. She hoped that it wouldn't be just for family members as that wouldn't meet the need. There is a regular bus. Saw on the site visit how clean and tidy the site was and it's a good example of a traveller site. She asked if the County Council could be asked to put a foot path in as it could be quite dangerous for pedestrians. The site is close to amenities. Cllr Cumbers asked for clarification regarding Condition 8 to ensure there is no industry on the site.

The Advice and Applications Manager responded that no industry is proposed and it is purely for residential. The application is for a general site as they have not applied for a personal consent.

Cllr Cumbers proposed approval of the application and **Cllr Botterill seconded the proposal** as he felt it was a well looked after site which is close enough to the town to integrate however he didn't wish to see any industry taking place on the site.

The Advice and Applications Manager confirmed that condition 8 is restricted enough to prevent industry.

Cllr Holmes asked for clarification regarding sanitary arrangements for the touring caravans.

Cllr Cumbers commented that she saw a portable toilet on the site visit.

The Advice and Applications Manager advised that the sewage would be disposed of by the main sewerage system and a package treatment plant.

A vote was taken and the Members voted unanimously to allow the application.

DETERMINATION: PERMIT, subject to the conditions set out in the report, for

the following reasons:

Whilst the site occupies a countryside location, this needs to be balanced with the requirement of the Borough for additional pitches and the length of time before the replacement Local Plan provides these sites. The benefits arising from the development are that it would contribute to the identified need for gypsy accommodation within the District and the site, although rural, can provide access to the town to health care and education facilities with little impact on the existing established communities.

The countryside location and the introduction of a domestic use and the associated visual impact of this must be balanced with the requirement to provide a satisfactory level of pitches, a need which is not currently being met and is not likely to be met imminently through the emerging Local Plan. In this case the benefits are considered to be significant in terms of meeting overall need that is currently unmet.

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- (2) **Reference:** **14/00870/FUL**
 Applicant: **M Timberlake**
 Location: **The Old Star Inn, 1 Back Lane, Long Clawson**
 Proposal: **Development of a two storey private dwelling**

- (a) The Advice and Applications Manager stated that: This application seeks planning permission for the erection of a two storey dwelling within the village of Long Clawson. The site is on part of the garden of The Old Star Inn on Back Lane, the garden area and some of the surrounding area is designated protected open area and lies within the Conservation Area and village envelope for Long Clawson.

There are no updates to report.

Members will recall that the application was deferred from Committee to clarify concerns over drainage. This is contained within the report and it is considered that the proposed dwelling would not lead to an increase in flooding.

The application site lies within the village envelope and Conservation Area for Long Clawson. The site forms part of a wider protected open area and consideration to the impact on the POA, Conservation Area and village needs to be given. Although the site forms part of a Protected Open Area it is considered the siting, design and modest size of the dwelling, the existing mature landscaping and the fact that the land is part of a garden not open to the public, would not unduly affect the intrinsic character of the open space. The proposal is considered to preserve the character and appearance of the Conservation Area and has adequate access and parking. The proposed dwelling would also not be harmful to the residential amenity of occupiers of neighbouring dwellings.

Therefore the application is recommended for approval as set out in the report.

(b) Peter Briggs, on behalf of the objectors, was invited to speak and stated that:

- It is a contravention of policy BE12.
- The development is not in conjunction with existing use.
- It is a conservation area and designated open space.
- Views will be obstructed.
- It is in contravention of OS1 and BE1.
- Impact on character of area as it is not in keeping.
- There are no buildings to the south.
- There are concerns regarding the risk of flooding.
- Flooding has occurred 3 times in 3 years.
- There are concerns regarding the proposed bridge and water flow.

Cllr Botterill asked for clarification regarding the depth of the flooding in the last 3 years.

Mr Briggs confirmed that water had been up to the door steps of the houses on Mill Lane. The Environment Agency say they will allow 5mm, however this proposal says 2cm which is 4 times the allowed depth.

Cllr Sheldon asked for clarification regarding the bridge capacity and asked if the Environment Agency had instructed any Iron structure to stop debris.

Mr Briggs responded that the Flood Authority had advised that the bridge should be a span over and not built in to the banks. If the area is restricted the water automatically goes up which would mean the houses on Mill Lane would get flooded.

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

- The development wouldn't meet the criteria of chapter 77 of the NPPF as it is a private garden and not publicly accessible.
- It is already in domestic use.
- They agree that the open space is a key feature of Long Clawson village however, the intrinsic character is actually formed by the village green and the adjacent play area, not the application site.
- The expert opinion of planning officers concluded the proposal will not adversely affect the intrinsic character.
- As a domestic garden, the site isn't protected.
- The scheme has been carefully considered and meets local housing needs.
- The flood risk and access have been addressed to the satisfaction of professional consultees.

Cllr Sheldon asked for clarification regarding safeguards put in place to prevent

flooding.

Mr Cooper responded that the culvert is a few metres behind the bridge. The culvert has a grill to stop debris going under the bridge and into the village. The grill blocks with or without this development. The issue revolves around maintenance of grid and we think this application will assist.

Cllr Sheldon asked how it would assist and would be resources be put in to clear it.

Mr Cooper responded that the owner of the property will have an obligation to maintain that area. He believed that the local residents currently do it. If the development goes ahead the residents will pass the culvert every day to access their dwelling which suggest more surveillance than currently exists.

Cllr Botterill stated that he believed the additional bridge would affect the water more and the previous example of flooding should be a warning to everybody.

Mr Cooper commented that there are two other culverts immediately further upstream and they are the points that get blocked.

Cllr Holmes asked for clarification regarding the proposed material to surface on the other side of the bridge and if it would be porous enough to take water.

Mr Cooper confirmed that it would be permeable paving and that the drainage would be held on site.

(d) Cllr Rhodes, Leader of the Council and Ward Councillor for Long Clawson and Stathern, was invited to speak and stated that:

- The main concern is flooding.
- It is a conservation area and a protected open space.
- It will affect views.
- It would have a detrimental impact on the character of Long Clawson.

Cllr Baguley proposed refusal of the application due to the proposed site being a protected open area and to preserve the character of the Conservation Area. It doesn't contribute to or enhance the area. It would impact on already occupied dwellings with the risk of flooding. The flood risk is the main issue.

The Head of Regulatory Services referred to the report and diagrams regarding the bridge and how it would work. The span of the bridge is more than twice the size of the flow of the water, therefore cannot obstruct it.. Professional advisors have stated that it doesn't amount to grounds for refusal. There has been a lot of reference to the impact on the open space and that is why we conduct site visits.

The Chair commented that she felt strongly regarding building in a public open space and a conservation area. She felt that the science regarding flooding couldn't be ignored.

Cllr Botterill stated that the area should be protected. He still had concerns regarding the flooding. **Cllr Botterill seconded the proposal** for refusal.

Cllr Cumbers asked why if there is flooding shouldn't the reasons include that?

The Head of Regulatory Services responded that it is known to flood and that the grills are the main source of flooding. This proposed application would not affect the flooding as there is already a problem regardless of the proposed build.

Cllr Holmes commented that river men had made a difference in the past and felt it would flood if it's never cleaned.

Cllr Illingworth asked for clarification regarding policy BE12 still being an appropriate policy.

The Advice and Applications Manager responded that OS1 has stood its test and is a safe policy of the local plan. From the Members discussion the application is contrary to OS1, BE1 and BE12.

Cllr Illingworth commented that he supported the proposal for refusal.

The Advice and Applications Manager confirmed the grounds of refusal as:

- the size, scale and massing of the dwelling would have an adverse impact on the site and surroundings. It would be erected on part of a protected open area within the conservation area. It would result in a significant adverse impact on the character and appearance of the open space to the detriment of the site, surrounding and the street scene. Therefore contrary to OS1, BE1 and BE12 of the local plan and NPPF.
- The development will lead to increase in flooding , contrary to the NPPF

A vote was taken and the Members voted unanimously to refuse the application.

DETERMINATION: REFUSED; for the following reasons:

1. The proposed dwelling, by reason of its size, scale , design and siting would have an adverse impact on the site and its surroundings. It would be erected on part of a Protected Open Area within the Conservation Area and would be detrimental to the site, surroundings and overall street scene. As a result the development would fail to preserve or enhance the character and appearance of the Conservation Area and would be contrary to policies OS1, BE1 and BE12 of the Adopted Melton Local Plan and the NPPF which requires the new development integrates into the natural and historic environment.

2. The proposed development would result in an increased risk of flooding to surrounding and nearby properties, contrary to the requirements

of the NPPF.

- (3) **Reference:** 15/00002/VAC
Applicant: Belvoir Estate
Location: Field No 1962 Belvoir
Proposal: To extend the time limit conditions on planning permissions for the marquee at Belvoir Castle so that the permission will endure for five years instead of three

At 6.50pm The Chair and Cllr Botterill left the meeting due to their declarations of interest in the application.

The Members needed to appoint a Chair due to The Chair abstaining from this application and the Vice Chair not being in attendance.

Cllr Holmes proposed that Cllr Illingworth Chair this application and **Cllr Sheldon seconded** the proposal. A vote was taken and the Members voted unanimously to allow.

- (a) The Head of Regulatory Services stated that:

The background to this permission was that there was general agreement that it was unacceptable in visual and heritage terms (setting) but an exception was made to allow it to produce a source of income to assist with repairs to the principal asset, the Castle itself. The Inspector developed the terms of this concession at the time of the appeal and judged that 2 1/2 years was a reasonable compromise.

The date of this period was later adjusted to 2013-15 but remained 2 ½ years. The current proposal seeks to extend this by a further 2 years to October 2017.

The application explains that the additional time is needed to allow the wedding business to flourish following a period of establishment within the market. The extra years will allow the proceeds to assist with the restoration of the Castle. It is considered that there are no factors that affect the rationale that the Inspector first devised. He considered 2 ½ years to a tolerable intrusion into the setting of the area. Accordingly, we do not consider justification exists for a longer period. Members will also note the record of problems from noise and breaches of conditions which are considered to add to the grounds for limiting its existence.

- (b) Peter Carr, Vice Chair of Belvoir Parish Council, on behalf of the Parish Council, was invited to speak and stated that:

- The marquee would look unsightly against grade I and II listed parkland.
- It would be visible from the road due to recent tree felling.

- No evidence of a proposal for a permanent solution so we are concerned that the 2 year agreement could be extended and for an unknown duration.
- It has not complied with conditions in the appeal decision. E.g. A noise limiter has been implemented 3 years after stipulation.
- There were 11 complaints last year from residents in relation to noise.
- Inconsistency in parkland development strategy.

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

- They had been operational for two seasons and the third season has just started.
- Wedding events generate revenue to maintain heritage assets.
- Last year there were 6 weddings and 2 corporate events.
- This year there are 18 weddings booked with another 3 provisional bookings.
- Each event will employ about 20 local staff.
- The project is not expected to break even until the end of the year.
- If permission is granted a surplus of £100,000 per year would be anticipated. Which will help towards maintenance of park land and the castle.
- Mindful of neighbouring properties and guidance.
- There are no plans for a wedding marquee beyond 5 years or a permanent facility.
- We have tried to address the issues of the local community. We took sound readings last week and weddings would be inaudible from gardens in Harston.

Cllr Holmes asked if there was an event taking place when they took the sound readings.

Mr Wilkinson responded that there was no event but there was a mobile disco setup however no people were in attendance. It was inside and all doors were shut. They are always shut with two sets of doors before getting to the dance floor area.

Cllr Holmes proposed refusal of the application due to the noise travelling across the valley.

Cllr Baguley seconded the proposal to refuse as it would be a detriment to the grounds and it's unsightly. She also had concerns regarding the noise levels.

A vote was taken by the 8 Members in attendance for this application. The Members voted unanimously to refuse the application.

DETERMINATION: REFUSED, for the reasons set out in the report:

1. It is considered that the proposed two year extension to the current temporary planning permission would result in undue noise and disturbance to nearby residents arising from amplified music and vehicles arriving and leaving the facility, particularly when they extend into hours when other sources of disturbance have subsided.

2. The extension of the existing temporary consent would result in the impact on the heritage asset becoming more permanent and therefore harmful. It is therefore considered that to erect the marquee for a longer period would cause substantial harm to the heritage assets, whereas the original temporary three year permission caused less than substantial harm, which it is considered are not outweighed by substantial public benefits. The proposal is therefore contrary to Policy BE9 of the adopted Melton Local Plan and the NPPF para 132.

- (4) Reference: 14/01035/FULHH and 14/001036/LBC
Applicant: Mr E Hutchison
Location: The Tithe Barn, 20A Water Lane, Frisby on the Wreake
Proposal: Erection of a timber garage

The Chair and Cllr Botterill returned to the meeting at 7.06pm

(a) The Head of Regulatory Services stated that: there were no updates to report.

Cllr Baguley proposed to permit the application and **Cllr Bush seconded** the proposal.

A vote was taken and the Members voted unanimously to allow the application.

DETERMINATION: PERMIT applications 14/01035/FULHH and 14/001036/LBC, subject to the conditions set out in the report, for the following reasons:

As a grade II listed building the Tithe Barn is a designated heritage asset that is considered to be of significance. Paragraph 129 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

The proposed garage building is of traditional construction and design based on a traditional oak frame with a pantiled roof. The design has been modified in order to reduce the scale and mass after adverse comments from neighbours were received. As such it respects the host listed dwelling and its conservation area location.

The garage is a building which adds to the residential enjoyment of the host dwelling and is solely related to it. It will be set back from Water Lane and that will reduce its visual impact in relation to both the grade II listed buildings in the vicinity and the street scene in general.

It is therefore considered that the proposal complies with Policies OS1, BE1 and BE12

D100. URGENT BUSINESS

The Chair thanked Members for their commitment over the past 4 years, before asking the Head of Service to convey to all those within the Department the thanks of Members for their help and tolerance at all times. Members present endorsed this.

~~The Chair commended the planning team on their efforts over the past four years and this was supported by the other Members.~~

The meeting commenced at 6.00 pm and closed at 7.10pm