



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

27 November 2014

PRESENT:

PM Chandler (Chair), P Baguley, G Botterill
G Bush, P Cumbers, A Freer-Jones, E Holmes,
J Illingworth, MR Sheldon

As Substitute

Cllr P Posnett for Cllr J Simpson (Vice Chair)

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

The Chair opened the meeting by stating that the meeting was being recorded and introducing the Planning Committee Members and the Planning Team to the general public.

D62. APOLOGIES FOR ABSENCE

None

D63. DECLARATIONS OF INTEREST

Cllr Posnett declared an interest in application 14/00731/FUL, Brooksby Grange, Melton Road, Brooksby due to her being a Governor at Brooksby Melton College.

D64. MINUTES

Minutes of the meeting 06 November 2014

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Bush.

The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record. Cllr Illingworth did not take part in the vote as he was not in attendance at the meeting of 6th November.

D65. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00648/OUT
Applicant: Mr and Mrs P Swift
Location: Land to the rear of 25 to 53 Ankle Hill
Proposal: Outline application for the construction of 10 dwellings to the rear of 25 and 53

- (a) The Planning Officer stated that: Members will have received an objection from the residents by email which highlights:
- That the development is out of keeping with the character of the area
 - They disagree with the claims of sustainability giving an example that the loss of the green space would lead to poorer lives to residents through loss of amenity and security.
 - Lack of consultation with the residents means that they have not had the chance to shape the proposal which is considered to be of high density.
 - Issues with drainage, supplying a photograph taken at number 19 Ankle Hill showing water cascading down the steps to the patio
 - They are pleased to hear that there have been no reported accidents but remain concerned that the impact upon the highways will not be fully known until the War memorial site has been developed.
 - Reference to an appeal in 2002 a refusal based upon impact upon number 53 and 55 Ankle Hill.

In response, the Officer stated:

Character - The Density map (slide 2) shows that the buildings are positioned close together in the same manner as the existing and this forms part of the character, it does however present smaller garden areas but it is not considered that the development would have an adverse impact upon the character of the area as detailed on page 8 of the report.

The NPPF definition of sustainable development brings together environment, social and economic benefits which are not to be taken in

isolation and whilst the site is greenfield where there is no presumption in favour of development the benefits of providing housing with 4 affordable units and two bungalows which meet the local need, in a location close to the town supports sustainability objectives and are considered to outweigh the limited degree of harm from the loss of the garden area which is private space only and does not serve as amenity for the wider public.

Pre app - The scheme is below the threshold of that required for the developer to engage with the public on pre application. The planning process allows for consultation on the proposal and residents have commented as summarised on pages 7-12 which have been fully considered.

Drainage - The application site is a greenfield site with a sloping topography. During periods of heavy rain land may become saturated and flash flooding may occur with water seeking an escape route. The picture is taken from number 19 which is not abutting the site and it is not known if the surface water is being channelled from the surfaced lane where there is no catchment or drainage system or whether it's from neighbouring land.

The application is in outline form and a drainage strategy has been put forward which seeks to accommodate the surface water on the site in the form of rain water harvesting and underground storage systems which will be piped out to the storm drains in Ankle Hill at a run off rate equivalent to the greenfield run off rate or that stipulated by Seven Trent.

Seven Trent have not objected and conditions 6 and 7 require full details of the drainage system to be submitted and agreed and would be subject to further consultation with the relevant agencies.

Highways - The highways authority have no objection to the creation of an access to serve 10 dwellings. The yellow lines are likely to remain and there will be no further loss of on street parking from the creation of the access and dropped kerbs.

In regards to the appeal in 2002 there has been a significant shift in central government advice through the NPPF in regards to provisions of housing. We are advised that harms need to be significant or demonstrable to outweigh any benefits. An assessment on residential amenity is contained on page 9 however the application is in outline seeking approval for the access and layout only. Matters relating to overlooking can be designed out but the separation distances from dwellings ensures that overlooking of dwellings can be kept to a minimal level if not eliminated as witnessed at the site visit.

It is considered that the application to build ten dwellings on a former greenfield site is acceptable given that no adverse impacts have been identified and adequate access and parking can be accommodated. No evidence has been presented to warrant a refusal on either highway safety grounds or on drainage impacts as a result of development.

The borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links.

In conclusion it is considered that on balance of the issues highlighted 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. Accordingly the application is recommended for approval in line with the report.

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

- the proposed development's character is out of keeping with the surrounding area.
- It is unsustainable.
- There would be a loss of the green lung, amenity and security. It would exacerbate the flooding that already occurs on the lower part of Ankle Hill.
- It would increase traffic dangers due to the extra traffic from new residents.

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

- the land forming this application has been maintained and enhanced by the applicant over a number of years but due to health issues alternative uses are being sought.
- They are offering ten dwellings with mixed housing types to meet council requirements.
- The layout is a gentle curve around an open area with existing boundary trees.
- The separation distances to surrounding dwellings are in excess of minimum standards.
- The proposed three bedroom properties are not excessively large.

- There are no ecological constraints and the highway authority is satisfied.
- As this is an outline application it is still subject to detailed design, however consideration will be given to boundary treatments and water attenuation to prevent run off on to surrounding properties.
- It is in a sustainable location and the application meets the requirements of national local planning documents.

Cllr Holmes raised concerns that the plans didn't contain a green open space or play area.

The Planning Officer responded that it was part of the consideration however the location is very close to the town and its parks so it has not been considered as a requirement on this site. There is some open land to the front of the development.

Cllr Cumbers commented that the policy states there should be amenity land.

The Head of Regulatory Services commented that there is an Appendix to the main policy.

The Chair commented that she shared Cllr Cumbers concerns.

Cllr Botterill arrived 6.18pm

Cllr Freer-Jones, Ward Councillor for this application, raised that the local residents are disappointed that the applicants didn't contact them directly. It is felt that it is an inappropriate place for development. There are concerns regarding flooding and inadequate amenity space. She raised concerns that there would be a cumulative effect with other potential developments in the local area. There are concerns regarding traffic as there are near misses on Ankle Hill that aren't recorded or reported on.

Cllr Holmes asked if it would be possible to have a private highways assessment.

Cllr Posnett commented that she shared some of the frustrations regarding traffic and that she would bring it up at the Leicestershire County Council Highways Forum in February.

Cllr Holmes proposed refusal of the application due to over intensification of the site, the water runoff, flooding, drainage and sewerage, the traffic impact, the development is on a slope and policy H10 no amenity space.

The Planning Officer advised that the application is offering sustainable urban drainage as per condition 7 and 8 which safeguard the issue. The application can't address existing drainage problems but can deal with any on site. Highways are aware of the War Memorial development but feel there is no

cumulative impact on the traffic. They have reported no accidents from their data. A site for 10 dwellings can be accommodated and the safeguarding of drainage can be secured by condition forming part of the reserved matters.

The Head of Regulatory Services addressed Cllr Holmes' concerns stating that the Members can instruct the planning team to take an independent audit. He also stated that Highways have been to Melton Borough Council and explained their methodology to members and this can be arranged again. The traffic generated by ten houses in the context of Ankle Hill is barely significant in percentage terms.

The Chair commented that she still had concerns regarding drainage due to noticing lots of moss during the site visit which indicates damp ground.

Cllr Freer-Jones seconded the proposal to refuse the application due to the reasons given by Cllr Holmes

Cllr Illingworth commented that he shared concerns regarding the significant increase in vehicle movements and the cumulative impact. He also raised concerns regarding the radius of the splay line at the junction as he felt a car could park too close to the junction which would impact on visibility when pulling out. He felt this should be a condition if Members decided to grant outline consent.

Cllr Sheldon raised concerns regarding flooding and felt that the Environment Agency should look into it further. He added that a Town Council should be set up to address town issues, similar to the role Parish Councils play.

The Chair referenced the comments submitted by Severn Trent on page 5 of the report.

The Head of Regulatory Services stated that the proposal would intercept and redirect some of the water that currently occurs during adverse weather so it would not increase flooding.

Cllr Cumbers commented that she shared the neighbours concerns regarding consultation.

Cllr Bush commented that the proposal could help ease the issues with the drainage system and he didn't think there was enough weight to refuse the application. He felt that if the water issue was resolved that he may be able to support the application.

The Advice and Applications Manager reiterated the reasons for refusal.

Cllr Holmes commented that surface water and runoff were her major concerns.

The Advice and Applications Manager stated that with regards to drainage further details were to be agreed and that measures could be put in place to ensure it would not exacerbate the current issues and could actually improve the situation.

A vote was taken, 4 members voted in favour of refusal and 5 voted against refusal.

Cllr Illingworth proposed to allow the proposal with a condition regarding splay and access and egress.

The Advice and Applications Manager demonstrated on the map, that the yellow splay line would remain intact and that the Council were not the authority to ask highways to amend it.

Cllr Rhodes and Cllr Wyatt joined as observers at 6.54pm

Cllr Illingworth withdrew his proposal.

The Advice and Applications Manager advised that they could impose a condition, that the yellow lines must be retained at their current length and the site can't be developed without them. She also commented that this can't be imposed on the applicant as it belongs to the highways authority however; it would require an agreement between the two parties should they so wish.

Cllr Cumbers asked if they could condition H10 to provide an amenity space as she wouldn't be able to support it without.

Cllr Sheldon proposed to allow the application with the additional condition H10 for an amenity space.

Cllr Bush seconded the proposal.

The Advice and Applications Manager commented that they would be approving the layout as displayed. The plots are fixed however the design and detail are yet to be confirmed. There is a small area of land at the front of the development which would possibly equate to 5% of amenity land in accordance with H10 but she was unsure if this could be imposed as a condition.

The Head of Regulatory Services suggested that the Committee delegate the decision to officers **subject to** confirmation that the amount of open space meets the requirements of Policy H10 (5%)

Cllr Holmes commented that she would like all new houses to have solar tiles.

A vote was taken, 4 Members voted to allow the proposal and 5 voted against the proposal.

The Solicitor to the Council stated that the application has to be determined either way.

Cllr Holmes proposed refusal on the grounds proposed earlier and agreed that Cllr Freer-Jones could add to the reasons.

Cllr Freer-Jones seconded the refusal and added that the development wouldn't be a conserving and enhancing the natural environment.

A vote was taken, 5 Members voted for refusal and 4 voted against refusal. Cllr Cumbers and The Chair asked for their vote against refusal to be recorded.

DETERMINATION: Refused, for the following reasons:

- 1. The proposal would constitute as an overdevelopment of the site and does not respect the local character of the area. There would be inadequate public space available and the density of the site would provide inadequate amenity space for future residents contrary to the development plan policies OS1, BE1, H10 and the NPPF core principles.**
- 2. The development fails to protect the residential amenities of existing and future residents and would lead to a loss of privacy and outlook due to an over intensification of use of the site contrary to Local Plan policies OS1, BE1 and the NPPF (chapter 7)**
- 3. The access off Ankle Hill fails to provide a safe access and egress from the site and would have limited visibility splays causing a danger to pedestrians and the increase in traffic onto Ankle Hill would have a detrimental impact on highway safety contrary to policy BE1.**
- 4. The development fails to adequately address the known flooding issues on the site as a result of surface water run-off. The development would exacerbate existing flooding issues to existing residents contrary to the NPPF (chapter 10)**
- 5. The development would lead to the loss of a greenfield site where there is no presumption in favour of development. The proposal fails to conserve and enhance the natural environment and provides no net gains for biodiversity and is contrary to the NPPF paragraph 109.**

-
- (2) **Reference: 14/00787/FUL**
Applicant: Governors of Gaddesby Primary School
Location: Gaddesby Primary School, Ashby Road, Gaddesby
Proposal: Extension and remodelling of Gaddesby Primary School comprising of 4 no. classrooms, toilet facilities and a new

hall.

- a) The Advice and Applications Manager stated that: This application seeks planning permission for the extension and remodelling of the school to provide a new hall and four new classrooms, ancillary accommodation and an extended car park at Gaddesby Primary School.

Since publication of the report comments have been received from Sports England who have raised no objection to the proposal.

There are no further updates to report and the application is recommended for approval as set out in the report.

No one had registered to speak regarding this application.

Cllr Bush proposed to allow the application as per the comments in the officers report.

Cllr Botterill seconded the proposal.

Cllr Baguley asked if it could be conditioned to a 20 mile per hour speed limit.

The Advice and Applications Manager advised that it couldn't be conditioned but that it could be put to the County Council.

The Chair suggested a walking bus as it would relieve the parking around the school.

The Advice and Applications Manager noted condition 4 on page 6 where the applicant needs to submit an updated travel plan. A walking bus can be added to the travel plan.

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

DETERMINATION: Approved, subject to the conditions in the report, for the following reasons:

Although the majority of the extensions would be on land beyond the village envelope the land forms part of the school grounds and would be adjacent to the village boundary. The visual impact of the extensions is considered to be acceptable and would not detract from the character and appearance of the countryside. The proposal is not supported by the Melton Local Plan OS2 as it is not small scale; however it is considered to meet the wider objectives of the NPPF. Following the approach set out in paragraph 215 it is considered the latter outweighs OS2 due to its more recent date and as OS2 does not specifically cover education related development. The proposal would not have an undue adverse impact on residential amenity

and although additional traffic is likely to be generated the Highway Authority raise no objection and conditions can be imposed to secure an updated Travel Plan to reduce reliance on the private motor vehicle and to ensure timely provision of the additional car parking spaces

(3)

Reference: 14/00665/FULHH
Applicant: Mr & Mrs Swain
Location: 2 School Lane, Stathern, LE14 4HT
Proposal: Demolition of existing garage. Extension of dwelling to form first floor bedrooms and additional ground floor living accommodation

- a) The Advice and Applications Manager stated that: This application seeks permission for the demolition of the existing garage and extension to the dwelling. The site lies within the village envelope and Conservation Area for Stathern.

Members will recall that the application was deferred from the previous meeting to enable the Committee to revisit the site to appreciate the parking area and ground levels. The site visit took place on Monday and access to the parking and rear garden was undertaken.

The application proposes a two storey and single storey extension to the property which is situated on a narrow lane in the designated Conservation Area. The extension by virtue of its scale, size and massing together with the loss of the boundary wall would adversely alter the character and appearance of this part of the village and the wider conservation area.

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

- b) Mary Swain, the applicant, was invited to speak and stated that: they want to create a family home as they have outgrown the current living space. We have the land to do this with the purchase of land recently. Our garden will double in size. We have received support from the Parish Council and the local residents. There have been no comments from the conservation officer and no objections. The stone wall is being moved not lost. We want to stay in our home. The application suitably reflects the local vendicular.

Cllr Cumbers asked for clarification that they had purchased land to create a garden.

Mary Swain confirmed they had.

- c) Cllr Rhodes, the ward councillor, was invited to speak and stated that: ten neighbours had supported the application along with the Parish Council. He agreed that School lane is narrow but believed the design to be acceptable and the application should be permitted.

The Applications and Advice Manager advised that the 2 storey building that is shown on the photos is not part of the applicants property.

The Head of Regulatory Services advised that because the proposed application is in a conservation area, approval can only be granted if the proposal preserves or enhances its character and appearance.

Cllr Bagueley, Ward Councillor for the area, commented that although there was no report from the conservation officer, she had spoken to Mr Spooner and he is happy with the application. She felt that it would improve the area as they are getting rid of an unsightly corrugated iron garage. **Cllr Bagueley proposed to allow the application.**

Cllr Posnett seconded the proposal and commented that she agreed and felt the proposal was sustainable.

The Chair asked why the conservation officer hadn't commented.

The Head of Regulatory Services stated this was due to structural and organisational changes within the department.

A vote was taken, 9 Members voted to allow the application and 1 voted against approval.

The Head of Regulatory Services asked for the Members to delegate authority to apply the necessary conditions as appropriate such as the standard of the materials to be used.

The proposer and seconder agreed.

DETERMINATION: Approved, subject to conditions, the detailed content of which is delegated to the Head of Regulatory Services, for the following reasons:

The application site lies within the village envelope and designated Conservation Area for Stathern and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed development complies with highway requirements and would not have a detrimental impact on adjoining properties. The proposed extensions, by virtue of its scale, size and massing would enhance the character and appearance of the immediate area, and the wider Conservation Area. Therefore, the proposal is considered to comply with the saved Policies OS1 and BE1 of the adopted Melton Local Plan and to the National Planning Policy Framework which seeks to promote good design, together with preserving and enhancing the historic

environment.

The meeting adjourned at 7.30pm and reconvened at 7.36pm.

- (4) **Reference: 14/00418/FUL**
Applicant: Mr A Mellor
Location: Mulberry House, 53 Station Road, Bottesford
Proposal: Construction of two semi-detached dwellings part demolition of a wall and fence to create vehicular access removal of trees and crown lift of one tree.

- a) The Advice and Applications Manager stated that: This application relates to planning permission for the construction of two semi-detached dwellings and the creation of a vehicular access within the grounds of 53 Station Road, Bottesford. The site lies within the village envelope and conservation area for Bottesford.

Since publication of the report comments have been received from the Parish Council stating that whilst it is noted that the amended plans are better they have still have fundamental issues with the proposed development.

An additional letter of objection has also been received in relation to the amended plans. The letter states that the revised plans will look completely out of character with the surrounding dwellings on Church Lane and would be ambiguous. A boundary fence instead of the current and well established hedge would be unsightly and out of character. Church Lane is used by walkers, people going to church and into the village and there is no footpath at any point along Church Lane. Further traffic would be a danger and an accident waiting to happen.

In response to these it is considered that these issues have been addressed within the report. This application was deferred from a previous committee in order to obtain further information with regards to levels and the elevation/boundary treatment onto Church Lane. This information has been submitted and amended plans received (show on overheads)

The proposed dwellings would be situated in a sustainable location, would meet the identified housing needs of the borough, would not impact on adjoining properties and is considered to preserve the Conservation Area. Accordingly the proposal is recommended for approval as set out in the report.

- b) Laurence Haselhurst, on behalf of the objectors, was invited to speak and stated that:

The reasons for objection are:

- The proposed dwellings are in the narrowest part of Church Lane, close to the junction with Station Road, which will cause a hazard for pedestrians.

There will be a lack of parking and no visitor parking. Following correspondence with the County Highways the visibility splays will not conform to the current County Council design standards.

- There is not enough room for cars to turn without destroying the verge.
- The point at which the 1.2 metre fence meets the roots of the 1.3 metre hedge will look unsightly.
- The proposed dwellings are out of character with the conservation area.
- There is unanimous objection to this proposal and there have been 29 letters rejecting this application.

c) Paula Money, agent for the applicant, was invited to speak and stated that: a detailed topographical survey was taken of the existing site, which shows the proposed land levels and the relationship with the adjacent properties. In the previous Committee meeting additional comments were raised which included that currently along Church Lane pedestrians have to walk within the road as there is no footway and also people felt that it was over development of the site. In order to address these comments the following amendments have been proposed: Although there was no objection from highways, a bank adjacent to the development site is proposed to be lowered to provide a level area to walk on. This has led to the need to remove the hedge but it will be replaced with a post and rail fence, identical to the existing fence. The garden area has been increased by removing the substantial patio that was on the original site plan. It is sustainable in accordance with the NPPF. It is in accordance with the council's housing needs.

Cllr Holmes asked for clarification regarding the hedge and pathway.

Paula Money responded that the hedge along the front of Church Lane will be removed and graded. The hedge along Station Road will be retained.

The Chair asked for clarification that the fence would just be along Church Lane.

Paula Money responded that there would be a fence and additional planting behind it.

Cllr Holmes raised concerns that it would be very high and there would be a lot of drop off.

Paula Money responded that the level of the land would be 0.2 metres from the road level. The dwelling would sit on that level and then the footpath and fence would be on the same level as the proposed dwelling. The footway would be a level grassed area.

The Chair stated that Cllr Wright had given her his comments and that he was still totally opposed to development due to the number of objections that had been received.

The Advice and Application Manager demonstrated on the plans that the dwelling will be 0.2 metres higher than Church Lane, similar to Beckthorpe House.

The Chair commented on the highways officer report relating to flooding on Normanton Lane which stated that flooding was not a frequent occurrence. However she felt this was an erroneous comment as water frequently comes up over the road after heavy rainfall causing traffic to be diverted along Station Road.

Cllr Baguley asked for clarification of the distance between back of the proposed houses and Mulberry house

The Advice and Applications Manager advised that it is 7.6 metres at the closest point.

Cllr Baguley commented that she couldn't support the application as she felt the dwellings would be too high and squashed in. She also had concerns about the traffic due to the busy road.

Cllr Holmes proposed to refuse the application. She didn't feel a grass area would be an acceptable footway, flooding and sewerage were of a great concern, it would be over intensification of a very small site and there were concerns regarding traffic coming round the corner from Station Road.

Cllr Baguley seconded the proposal and added that the proposed dwellings were totally out of keeping with the conservation area.

Cllr Botterill agreed and added that the footway would become a mud footpath.

Cllr Freer-Jones referred to paragraph 131 and stated that the proposal doesn't make a positive contribution to the local character and distinction. She didn't feel the site was big enough for the proposal and there would be no turning circle for car parking.

Cllr Sheldon asked who would be responsible for the footway.

The Chair responded that it would be the County Highways responsibility to maintain it.

The Advice and Applications Manager clarified the Members reasons for refusal, which were, lack of space and amenity, highway safety (cars turning into Church Lane from Station Road and close proximity to the existing access on to Church Lane), out of character and there would be no positive contribution to the conservation area with regards to the design and siting of the dwellings.

Cllr Illingworth commented that the proposed development doesn't enhance or preserve the conservation area.

A vote was taken, 9 Members voted for the refusal and 1 Member voted against the refusal.

DETERMINATION: Refused, for the following reasons:

1. In the opinion of the Local Planning Authority, the development if approved would present an over intensive use of a small site resulting in a cramped development with insufficient amenity space for the residents contrary to policy OS1 and BE1 of the Melton Local Plan and paragraph 17 of the NPPF.

2. The proposed development would lead to an increased danger to highways users by virtue of the close proximity of the proposed access to the junction of Station Road and existing accesses onto Church Lane, contrary to policy OS1 of the Melton Local Plan.

3. The proposed development is considered by virtue of its design and location to be out of character in the designated Conservation Area, and does not make a positive contribution to the local character and distinctiveness of the area. It is not considered that the new dwellings would preserve or enhance this part of the Conservation Area, contrary to paragraph 131 of the National Planning Policy Framework.

**(5) Reference: 14/00718/OUT
Applicant: Mr Colin Warburg – Scalford Hall Limited
Location: Scalford Hall, Melton Road, Scalford
Proposal: Provision of a marquee for events in the gardens**

a) The Head of Regulatory Services stated that:

This is an application for outline permission for a marquee – it seeks to establish the principal of the development but we do not have full details of the proposal

Obviously there is concern regarding noise emissions and the proximity of local residences. The application is accompanied by a noise report that sets out that with sufficient insulation and management controls, noise can be restricted to a level acceptable at the properties concerned. This comprises of insulation, positioning of speakers/amplifiers etc., time limits and noise limiters for amplified noise

On this basis it appears the specified noise levels can be achieved in theory. It is therefore concluded that the principal of the development is acceptable but a lot will depend upon the detail of the marquee (its construction and orientation) and its management. Accordingly – still bearing in mind the application is outline and therefore addressing only the principal – the application is recommended for approval with the necessary details required at detailed stage (5,7,8 and 9)

On highways issues (see page 4) the HA has advised that whilst it is accepted that the roads through Scalford are not ideal, it already holds functions and whilst the provision of the marquee will allow larger functions to be held, this would not lead

to an increase in traffic through Scalford that would justify refusing the application on highway grounds. Any increase in traffic is also likely to be off peak, and therefore would not adversely affect the capacity of the road network. The HA would not be able to demonstrate that the proposal would lead to severe impact or harm.

There were no speakers registered for this application. However The Chair asked if Members would suspend standing orders, as Mr Warburg, the applicant, wished to speak.

- b) Colin Warburg, the applicant, was invited to speak and stated that: he believed there had been a misunderstanding regarding the sound. There had been a typing mistake and the sound would be reduced to 22 decibels not 25 as stated in the report he submitted. He also suggested an amendment to the condition to end the use of the marquee at midnight to instead reduce music levels at midnight but allow the events to continue beyond midnight as they were more likely to end at 2am with the majority ending at 1am.

Cllr Posnett asked for clarification regarding the hours of operation being a licencing matter.

The Head of Regulatory Services responded that it was also a licencing matter as well as a planning matter. The noise report has shown that the decibel level could be controlled to an acceptable level in amenity terms.

Cllr Holmes, Ward Councillor, commented that she would like Scalford Hall to be viable however she felt that a 2am finish was not acceptable for local residents and especially the elderly people living in Scalford Court. She felt that they should ensure no excess noise and that it should be condition for 18 months to 2 years.

The Head of Regulatory Services responded that conditions need to be justified. A condition is a temporary arrangement to find out something you don't already know, however this has been tested and we do know. In this case a condition wouldn't be justified.

Cllr Baguley asked if the marquee could be conditioned 3 years as had been done for Belvoir.

The Head of Regulatory Services advised that it depends on the purpose of the condition and that in the Belvoir case the extra time was needed to raise adequate funds. It was of a temporary nature and was about raising restoration funds.

Cllr Illingworth commented that he understood there is a cross over area between planning and licencing, as in the Knossington case and asked if the Members should be considering limiting the number of events allowed to take place in the marquee or was it an extension of any licencing agreements that Scalford Hall already had.

The Head of Regulatory Services commented that the noise statistics for each application were different and that the statistics for Scalford Hall persuaded the planning officers that noise would not be intrusive unlike Knossington.

Cllr Freer-Jones commented that Scalford Hall needs support and that it has been improved immensely. She believed it to be a low noise level and didn't think it was acceptable to say events should finish at midnight as celebratory affairs do tend to go beyond this time. Conditioning events to end at midnight wouldn't make the business viable.

Cllr Posnett proposed to allow the application and commented that the marquee would increase the footfall and that it was an important historic building within the Borough. She added that she had heard good feedback regarding the services provided from peers who had attended a Rural Network conference there. She felt that the noise levels were important but that they were within acceptable limits. She commented that the times would be debated more fully by the licencing committee.

Cllr Bush seconded the proposal and added that the trees added natural soundproofing.

Cllr Holmes commented that she still had her reservations and raised concerns regarding the hours of the premises licence.

The Solicitor to the Council advised that licencing was not a consideration of the planning committee.

Cllr Botterill commented that it would be a hard sided marquee and that 22 decibels is very low.

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

DETERMINATION: Approved subject to the conditions in the report with the exception of the condition limiting events to midnight, for the following reasons

The proposed marquee is considered to be contrary to policy OS2 of the Melton Local Plan as it is not considered to be small scale. It is, however, considered that it represents sustainable development, and is supported in principal by paragraph 28 of the NPPF. The marquee is well located in terms of its impact upon the countryside, and issues raised by the Highways Officer can be dealt with by way of condition at the reserved matters stage. The potential noise impact of the proposal on nearby residential properties remains a concern as no noise assessments can be carried out on a proposal, made difficult particularly because it that does not yet exist. The Environmental Health Officer has advised that this could be dealt with by way of condition, but care is

required because such a condition needs to be reasonable, i.e. a condition could not be imposed that rendered the marquee inoperable. The applicant has submitted a report that indicates measures available to secure the necessary attenuation and on this basis it is considered reasonable to follow the approach of a safeguarding condition. A final design of the marquee can be required at the reserved matters stage to show noise attenuation feature

- (6) Reference: 14/00769/FUL**
Applicant: Mr John Kimber
Location: Land at the end of Twells Road, Waltham on the Wolds, Melton Mowbray
Proposal: Conversion of stables and barn into 2 single storey , 2 bedroom residential dwellings

- a) The Applications and Advice Manager stated that: This application seeks planning permission for the conversion of stables and barn into 2 single storey 2 bed dwellings.

There are no updates to the report

The site lies partly within and partly outside the village envelope for Waltham on the Wolds.

At the site visits a query was raised over the structural stability of the existing buildings. I can confirm that a structural survey was submitted with the application which confirmed that the stables are viable for upgrading for residential use. A further query was raised over the access and the applicants have again confirmed that they have an existing right of way from the unadopted road.

The location of the dwellings whilst predominately outside of the village envelope is closely related to the village and existing properties. The dwellings would meet an identified housing need in the area and would retain a heritage asset within the Conservation Area. This needs to be balanced against the relationship with neighbouring properties and its location predominately outside of the village envelope. In this instance the sustainable location, retention of a heritage asset and meeting an identified needs outweighs the harm and accordingly the proposal is recommended for approval as set out in the report.

- b) Cllr Malcolm Mills, on behalf of Waltham on The Wolds Parish Council, was invited to speak and stated that:
- this is one of the last existing stable buildings still intact from turn of the last century. The proposed plans would extend and change the footprint of the building.

- It is outside of village envelope.
- The access road effectively splits the envelope of the land.
- There is a parcel of land next to a field which would potentially encroach in to any further developments.
- It is not of any community benefit. It is not sustainable.
- It will not create employment opportunities or infrastructure. It will increase traffic to the nearby cul-de-sac.
- It will impose on local residents view and restrict their natural light.

Cllr Botterill commented that the building will fall down if nothing is done to it.

Cllr Mills agreed but felt that it should be repaired and restored to preserve it rather than the proposed changes.

The Advice and Applications Manager asked whether there had been written objections from the Parish Council.

Cllr Mills said there was an email trail to prove they had.

The Chair advised that this would be investigated.

c) Ben Cheeseman, on behalf of the objectors, was invited to speak and stated that:

- we have no objection to the building being restored, however the objections we do have are as follows: the proposal is outside of the village envelope.
- There is too much garden to market them as retirement homes,
- there would be a loss of privacy due to a large glazed area on the back of his own house on the north side.
- It is his wall so he raised concerns that the applicants had been asked to attach trellis to it. The proposal is unacceptable especially as there are two dwellings.

d) Michael Page, agent for the applicant, was invited to speak and stated that:

- the building is a heritage asset and has been around since 1885. It was a former agriculture building. It has sadly been allowed to deteriorate. A structural report states that the walls would be suitable for upgrading to residential status.

- The proposal would retain the existing brickwork and stone as well as reinforce the existing roof. It is not a rebuild, it is a retention of the existing.
- It is mainly in the village envelope and it would remain as a single storey dwelling.
- The bat survey concluded that bats were no longer present. The archaeological trench work discovered that there are no Roman artefacts.
- Access is not a problem and there is good highway access on to Bescobey Lane.
- There is a desperate need for these type of dwellings especially in villages.
- The NPPF suggests positive conservation of heritage assets and redundant farm buildings.
- We discussed these plans informally with neighbours and with regards to privacy we have suggested a 0.6 metre trellis on top of a stone wall which would make the overall height 2.6 metres.

Cllr Holmes asked for clarification regarding communication with the residents.

Michael Page responded that they had shared the plans with neighbours.

Cllr Holmes commented that the applicant had allowed the building to fall in to disrepair.

Michael Page agreed that there had been a belated recognition but that if nothing is done then the building will collapse and heritage aspect will disappear.

The Advice and Applications Manager addressed Cllr Mills concerns regarding the redline and size of the site. With regards to the village envelope, every application needs to be considered on its own merits. The structure already exists so there would be no encroachment. Consideration needs to be given to where is the harm to the protection of the open countryside.

Cllr Botterill commented there is presently an orchard between and asked if it was available for building on and if so could it be conditioned.

The Advice and Applications Manager responded that future applications can't be conditioned and would have to be dealt with on their own merits.

Cllr Botterill asked if they could incorporate current features in the building.

The Advice and Applications Manager advised that it is not listed building but that it is in a Conservation Area. It is considered because of its style and age that it is a heritage asset.

Cllr Holmes, Ward Councillor, asked if the right of way was vehicular or pedestrian only. She suggested if this was unknown that perhaps they should defer.

The Advice and Applications Manager confirmed that it is a right of way but that it is not specified. She advised that it is a private civil matter and does not form part of the application.

The Chair commented that the residents would be land locked.

The Head of Regulatory Services commented that it is a matter for the applicant to consider.

The Chair confirmed that it is not a material consideration.

Cllr Illingworth expressed his concerns regarding developing outside of village envelopes. He added that the proposed extension dwarfs the current building therefore covering the heritage asset. He would like clarification regarding the size of the extension and the materials to be used. He didn't feel he could support it.

The Advice and Applications Manager demonstrated on the slides that the areas that showed the proposed extensions. The extensions are a quarter bigger altogether. The proposed materials would be timber windows, stone and a pantile roof.

Cllr Holmes commented that the neighbours barn conversion would be affected adversely as it is not an acceptable distance away. **Cllr Holmes proposed to refuse the application** due to the close proximity to existing properties and that it would be outside of the village envelope. She had further concerns regarding the right of way and vehicular access and road safety.

The Advice and Applications Manager confirmed that Cllr Holmes reasons for refusal were due to the impact on the adjoining properties outlook and privacy which is contrary to OS1 and BE1, it is outside the village envelope which is contrary to OS2, an increase in traffic and lack of vehicular access which could be a highways condition. The plans do not enhance or conserve the historical environment. She also advised Members that if they did grant permission, the applicants wouldn't be able to build their plans without vehicular access.

Cllr Holmes raised concerns over the boundaries with adjoining properties.

The Chair advised that it would be a civil matter.

Cllr Freer-Jones seconded the proposal due to the loss of a heritage asset. She felt that the plans to increase the structure were actually burying it rather than enhancing it.

Cllr Cumbers agreed and commented that when buildings are converted that the original building should still be visible.

A vote was taken, 6 Members voted for refusal of the application, 2 voted against refusal and there was 1 abstention.

DETERMINATION: Refuse, for the following reason:

1. The proposed conversion would have an unacceptable impact upon the residential amenity of the occupiers of 45 Main Street due to the close proximity of the development leading to a loss in privacy and outlook, contrary to policies OS1 and BE1 of the Melton Local Plan. It is not considered that this impact could be adequately mitigated.

2. The development proposed is outside of the designated village envelope for Waltham on the Wolds, on land considered to be open countryside. In the opinion of the Local Planning Authority the proposed development would harm the character and appearance of land considered to be open countryside. The proposal is considered to be contrary to policy OS2 of the Melton Local Plan and to the aims and objectives of the NPPF. It is considered that there is no justification for the dwellings at this location contrary to OS2 and paragraph 55 of the NPPF.

3. In the opinion of the Local Planning Authority the proposed development would create an increase in traffic on Twells Road and would create a highway danger to children and pedestrians, contrary to policy OS1 of the Melton Local Plan.

4. The extensions to the building, which is considered to be a heritage asset in a designated Conservation Area, do not conserve or enhance the heritage asset, or make a positive contribution to local character and distinctiveness, contrary to paragraph 131 of the National Planning Policy Framework.

Cllr Sheldon excused himself from the meeting at 8.57pm

The Solicitor to the Council advised that Committee meetings were not meant to continue beyond 3 hours as per the constitution.

The Members voted unanimously to continue with the agenda.

Cllr Posnett left meeting for the duration of the deliberation of application 14/00731/FUL.

(7)	Reference:	14/00731/FUL
	Applicant:	Brooksby Melton College
	Location:	Brooksby Grange, Melton Road, Brooksby
	Proposal:	Conversion of agricultural buildings to single residential dwelling

- a) The Head of Regulatory Services stated that: Permission only needed because of physical works – use is PD under the recent changes to GPDO (April 2014).

These are considered acceptable and represent a sensitive way of adapting the building to facilitate the res use.

- b) Chris Ball, the applicant, was invited to speak and stated that: they are proposing to convert redundant agricultural buildings to create one dwelling. The application forms part of the College's wider plans for expansion and improvement to facilities. The proposal includes a small glass corridor. There will be the removal of several dutch barns which will improve the surrounding area.

Cllr Holmes asked for clarification regarding the size of the arched window.

Chris Ball responded that drawings had been provided by the professional architect and that he had been guided by their advice.

The Head of Regulatory Services commented that barn conversions are often designed in that manner to try to retain existing apertures so it looks similar to how it has always looked.

Cllr Holmes proposed to allow the application and Cllr Bush seconded the proposal.

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

DETERMINATION: approve, subject to the conditions set out in the report, for the following reasons:

The application seeks planning permission for the conversion of a disused and derelict hayloft and associated barns and stables to a dwelling with outbuildings. The proposal represents a departure from policy OS2 of the Melton Local Plan, however the proposal is considered to meet with the objectives of the NPPF at paragraph 55. Whilst the proposed dwelling does not meet the identified housing needs of the rural south of the Borough, it is considered that requiring fewer, smaller dwellings would exacerbate the lack of sustainability of the site. In addition, the conversion of the existing buildings now comes under the legislative changes to the General Permitted Development Order, Class MB which came into force in April 2014, and as such the use as a dwelling could be completed without the need for formal planning permission. The requirement for planning permission is due only to the proposed glazed corridor extension.

Cllr Posnett returned to meeting at 9.02pm

-
- (8) **Reference:** 14/00715/FUL
Applicant: Greene King Pub Partners
Location: The Red Lion, Grantham Road, Bottesford
Proposal: Create new garden area to the rear of the Public House
New extractor from kitchen
Internal Refurbishment

- a) The Head of Regulatory Services stated that this application was deferred from the last meeting to look at Licencing issues – these now added at top of page 5.

It is important to note this is NOT a change of use application. The use of the land for any pub- related purpose – including for outside drinking – can take place at any point up to the boundary of the site. This application is for the surface treatment and pergola structure only, and it only needs that because it is a listed building.

Therefore the focus needs to be on the impact of the surfacing and in our view this affects noise and disturbance issues only in that it may make the use for such purposes more attractive. Our view is that this will have limited effect on its use and as such it would not be justified to address noise and disturbance issues

No one had registered to speak regarding this application.

Cllr Botterill raised concerns regarding decibel levels.

The Head of Regulatory Services reiterated that this isn't a change of use application so this is not a consideration as permissions are already in place regarding noise levels.

The Chair stated that Cllr Wright's previous comments still stand and that she also shared concerns regarding noise and the proximity of neighbours. She commented that she wouldn't be able to support the application.

Cllr Bush commented that the pub had been established for years and he couldn't see a real argument against the application. The proposed installation of a barbeque would only create chatter in the early evening as barbeques don't normally go on late into the evening.

Cllr Illingworth asked for clarification regarding the barbeque.

The Chair responded that it had been pointed out on the site visit and that objections had been received regarding odours it would create.

Cllr Illingworth commented that he felt there was an element of change of use and that it may be a noise nuisance. He asked if they were able to condition the use of the barbeque. It would be a change of environment for the local residents.

The Head of Regulatory Services responded that the Council would be able to intervene should it become a nuisance as it would be considered as environmental pollution. This includes smoke and/or odours.

The Chair commented that patrons being outside the building until the early hours is unacceptable, bearing in mind the nearest house is just 7 metres away.

Cllr Freer-Jones commented there are too many items to consider on one application and that the outside and inside alterations should be tackled separately.

The Head of Regulatory Services responded that its curtilage is like other dwellings and the building and garden is one entity.

The Chair commented that it is in the centre of a conservation area.

Cllr Baguley commented that she couldn't support the application due to the close proximity of neighbours.

The Head of Regulatory Services reminded Members that it is not a change of use application and therefore they are only being invited to comment on the physical works not the use.

Cllr Illingworth proposed to permit the application as he felt assured that the procedures were in place should a nuisance to residents arise and there are little planning grounds to turn it down.

Cllr Botterill seconded the proposal.

A vote was taken, 6 Members voted for the proposal to permit and 3 voted against approval. The Chair asked for her vote against approval to be recorded.

DETERMINATION: Approve, subject to the conditions set out in the report, for the following reasons:

The proposed minor internal changes to the building, the replacement of the extractor and refurbishment of its garden areas will enhance the listed building will serve to improve the setting. It is considered that the proposals will help to secure the continued use of the building for the foreseeable future and will ensure that the existing building continues to be used in an appropriate manner. This will help to enhance the character and appearance of the Listed Building and Conservation Area. It is not considered that the proposals will adversely affect the residential amenities of neighbouring properties to an

unacceptable degree, bearing in mind that the use as a seating/drinking area is not the subject of this application and could occur in any event.

- (9) Reference: 14/00626/COU**
Applicant: Property Union
Location: The George Hotel, 8 High Street, Melton Mowbray
Proposal: Change of use (in part) of 2 commercial units to 2 residential apartments, reduction in size of commercial units. (alteration to Planning Approval 12/00145/FUL)

- a) The Head of Regulatory Services stated that this was a revised scheme to allow an additional 2 units in the conversion, raising no. to 15 (14 in the conversion + 1 new build). This is to be achieved by changing the rear parts of the retail units to 2 residential units by reducing their size, but the retail units would still be provided and would occupy the frontage of the building.

The conversion is achieved sensitively and is a good way of preserving the LB. The current changes require very little in the way of structural works over and above those already granted in 2012.

The key issues for the Committee is considered to be that of 106 contributions and affordable housing. In 2012 a concession was allowed on the basis that a financial appraisal showed the scheme would not be viable if it made s106 contributions. The new scheme with the additional units has similarly been appraised and still shows it to be only marginally viable without contributions. In view of the advice provided in the NPPF regarding the weight and importance that should be given to the conservation of heritage assets, it is considered that this shortcoming is acceptable as a means of securing the restoration of the building and on that basis rec approval.

No one had registered to speak regarding this application.

Cllr Cumbers proposed to allow the application as she felt it was good use of an important historic prominent building within the town.

Cllr Illingworth seconded the proposal.

Cllr Bush offered his support.

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

DETERMINATION: approve, subject to the Conditions set out in the report, for the following reasons:

It is considered that a conflict exists and the determination requires a balanced judgement between the conservation interests and affordable housing/infrastructure contributions. An independent Viability assessment commissioned previously confirmed that the proposed residential development was not viable on the basis of the Affordable housing and S106 contributions requested. Accordingly, it is considered that in this instance, given the outcome of the previous viability assessment, and the costings submitted for the additional 2 units, along with the individual circumstances of this application in terms of its benefit to conservation interests and the significance applied to them by both legislation and policy, that there is justification for the development to be approved without a requirement for affordable housing or the requested developer contributions.

D66. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 9.18 pm