



DEVELOPMENT COMMITTEE

1 JULY 2010

P.M. Chandler (Chairman)
P. Baguley, G.E. Botterill, P. Cumbers
E. Holmes, J. Illingworth, T. Moncrieff
M. Sheldon, J. Wyatt

PRESENT:

Principal Planning Officer, Principal Solicitor
Planning Officer, Enforcement Officer
Planning Policy Officer (SM), Planning Policy Officer (PG)
Democracy Officer

D6. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes and Moore-Coltman.

D7. MINUTES

(a) Minute Number D4 - 10/00220/FUL (Melton Borough Council) Multi Use Games Area, West Avenue, Melton Mowbray (Page 2)

The sentence '*Councillor Cumbers stated that a lack of overlooking had caused problems in the past and opening the land up would be beneficial*' be amended to '*a lack of overlooking had caused problems elsewhere at Kirby Fields in the past and opening up the land would be beneficial*'.

(b) The last paragraph in the minutes be added under the title 'Urgent Business'

Subject to (a) and (b) above the Minutes of the meeting held on 10 June 2010 were confirmed and authorised to be signed by the Chairman.

D8. DECLARATIONS OF INTEREST

There were no declarations of interest.

D9. SCHEDULE OF APPLICATIONS

RESOLVED that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the Schedule of Applications and in the case of refusals for the reasons stated in the schedule.

- (1) Application : 10/00246/FUL**
Applicant : Mr and Mrs Blackburn
Location : Hose Lodge Farm, Hose Lane, Harby LE14 4BJ
Proposal : Construction of a 16,000 bird free range egg production unit.

(a) Principal Planning Officer stated that

(i) this application sought planning permission for the erection of a free range egg production unit to house 16,000 birds. The site was located at Hose Lodge Farm within the designated open countryside, the surrounding land was agricultural;

(ii) since publication of the report additional objection letters and a petition had been received. An additional 5 objection letters had been received on the following grounds;

- The visual impact the proposal would have on the area
- The proposal was an industrial sized chicken farm and would impair the visual aspect of the Vale of Belvoir and its heritage assets Questioning the 'free range' aspect of the application and more information was required
- Traffic had increased in this area and the road was unsuitable at this location for increased LGV traffic
- The smell of chicken effluent would effect Hose for the majority of the year because the prevailing wind was from the northerly direction.
- There would be an impact on the beautiful views from a holiday cottage which looked out onto the proposed site. To have such a large building so close would spoil the Vale for all tourists as it would be seen from such a wide area
- A substantial and mature tree planting and landscaping should be implemented before any building works commence, if approved
- The countryside was doomed to be covered in huge wind farms and sheds, the vale offered some of the best countryside in the country and should remain so

(iii) a petition with 51 signatures had also been submitted opposed to the application on the basis that the Vale of Belvoir had been described as one of the finest landscape features in Middle England and we petition the Council to ensure that it remained so;

(iv) all of these issues had been raised in objection contained within the report and do not raise any new issues. There was a significant level of concern in relation to this application particularly with regard to the size and scale of the building and the impact this would have on the surrounding character and appearance of the countryside, the loss of views and impact on the panoramic views in the Vale, the impact on the highway and the impact on amenities of the surrounding villages through smells and nuisance;

(v) a letter had also been received from the applicant to address some of the concerns raised at the public meeting. At the public meeting the preferred vehicle route appeared to approach and leave the farm via Waltham Lane, the applicant had no objection to this. The applicant had no objection to additional landscaping. The colour of the roof was also discussed at the meeting and 'juniper green' was requested, this could be provided if required. The applicant had also stated that they had no objection to a condition being attached that required the building to be dismantled if egg production permanently ceased. In response to this if the access route was considered to need to be specified this could be imposed by means of a condition but could be difficult to enforce. An additional landscaping condition could be imposed if considered necessary as well as the colour of the roof materials and the dismantling of the building;

(vi) development Plan policy C3 and national government guidance PPS4 and 7 support agricultural use and rural economic development if it consistent in scale and environmental impact in their rural locations. Whilst the building proposed was large in scale it had been designed to have low eaves and the overall height was lower than typical agricultural buildings. The building was to be sited adjacent to existing farm buildings and there was some screening to the boundaries. The proposed materials would also lessen the visual impact of the proposed building. It was not considered that the building, although visible, would have a detrimental impact on the open countryside. A landscaping condition could be imposed to ensure that there was additional screening to the building if considered necessary. The access arrangements were considered acceptable by the highway authority and it was not considered that the proposal would have a detrimental impact on highway safety. Noise, waste and odours had been assessed by Environmental health and the Environment Agency who had not raised any objection to the proposal.

(vii) the proposal was therefore considered to be acceptable and accord with local, regional and national policy and notwithstanding the additional objections received was recommended for approval as set out in the report.

(b) Mr Fountain was invited to speak on the application and stated that

- The objectors were not anti-rural development
- The Development would have a significant impact
- There had been a recent decision at appeal not to allow sheds in 1999
- The quality of the local landscape was one of the Borough's best natural aspects
- The main reason for purchasing the site was for a poultry farm – other sites should have been considered
- The application failed under policy BE1 and CE3
- The structure would occupy a prominent position in the countryside
- The Committee should consider the impact on tourism and existing local businesses
- Tourism improved and diversified the local economy
- There was a thriving business next door which had a high amenity value

(c) Mr Machin was invited to speak on the application and stated that :-

- There were a number of requested conditions the Parish Council would like to see
- Over 30 people had attended the Parish Council meeting about the application
- The building should be removed if production ceased for 6 months
- The roof should be blue
- All screening should be mature trees
- Additional screening would be required to the east
- Odours from the site should be minimal
- The site should be kept clean and tidy

(d) Councillor Rhodes was invited to speak on the application and stated that :-

- The proposals amounted to industrialisation of the landscape
- The application was not right or justified
- The new approach to planning enabled local opinion to be considered
- There was substantial local opinion about the application

The Principal Planning Officer stated that Policy C3 was the most relevant policy supporting an agricultural building. Councillor Baguley stated that she could not support the application but if approved there should be more screening towards Harby Hill. Councillor Baguley also suggested a bund with mature trees and hedging. The Principal Planning Officer stated that there could be a condition to incorporate a landscaping scheme.

Councillor Baguley moved to refuse the application on the grounds of it being an industrial building in a rural area and the loss of amenity to surrounding areas. The Chairman moved the meeting on as no seconder was found for this motion.

Councillor Botterill highlighted that due to the phasing out of eggs from caged hens there would be more applications requiring additional space for free range hens. Councillor Botterill moved to permit the application. Councillor Cumbers was a seconder for this proposal. Councillor Cumbers stated that it would need to be conditioned carefully and mature tree screening would be preferable. Councillor Cumbers also added that the building should be dismantled if egg production ceased and there also had to be a need for the building. The Principal Planning Officer stated that a condition could be included to include a landscaping scheme to be agreed prior to development to include mature trees, the colour of the roof, bunding and the dismantling of the building if egg production ceased.

Councillor Moncrieff confirmed that there was a valid demand for free range egg production and it would be very difficult to do this in an industrial area.

Councillor Sheldon noted that bunding in itself could be an eyesore and requested that mature trees being planted before the building starts. The Principal Planning Officer stated that the condition could be worded to specify the bunding.

Councillor Botterill stated that he did not agree with the bunding due to the flat nature of the vale and added that screening with trees would be adequate. The Principal Planning Officer confirmed that there could be a condition that prior to commencement a scheme for screening could come back to Members for consideration.

The Chairman stated that the colour of the roof should be taken back to Committee and the Parish Council for consideration. The proposer and seconder accepted this amendment to the motion.

On being put to the vote, the motion to permit was carried with 7 in favour and 1 against. (Councillor Baguley requested that her vote against the decision be recorded.)

DETERMINATION : Permit subject to the conditions within the report and for the following reason(s) :-

1. The proposal sought to apply for full planning permission for a new free range egg production unit on the holding of an existing agricultural farm. The proposal was considered to not cause any detrimental harm to the countryside due to the design and construction materials proposed, along with the existing screening of the site, which would reduce the visual impact from the open countryside. The access arrangements were considered to be acceptable and to not cause any further impact upon the highway infrastructure. The proposal was considered to comply with the objectives of the Local Development Framework, regional and national planning policies in terms of complying with policies relating to agricultural development.

**(2) Application : 10/00352/FUL
Applicant : Gilbert and Hall Limited
Location : Former White Hart Inn Pubic House, 37 Main Street, Harby, LE14 4BN
Proposal : Erection of 5 Dwellings with Associated Access, Parking and Accommodation Works.**

The Principal Planning Officer stated that

(i) this application sought planning permission for the erection of 5 dwellings on the site of the former White Hart public house. The application was for 5 dwellings. The scheme was considered to be a departure from the development plan;

(ii) the scheme was considered to be acceptable in relation to the impact on adjoining properties, parking and highway safety and the high quality of design was considered to enhance the streetscene and be respectful of the setting of nearby listed buildings and the historic core of the village. The scheme provided off street parking through a single access and the dwellings have adequate amenity space;

(iii) however, the proposal did not meet the objectives of identified housing need within the Borough. There was a strong need for smaller market housing within the rural north of the Borough and a surplus of larger family accommodation, this proposal did not contribute to addressing this imbalance in the housing market. Whilst it was considered that the proposal did not fully meet housing needs requirement the scheme does provide for a mix of dwelling sizes. The applicants had also supported their application with a viability statement which showed the deliverability of the scheme being reliant on the profits of the two larger dwellings which therefore allow for the provision of the smaller three bed properties. The scheme was considered to offer a high quality development, provide a positive street frontage and provides sufficient amenity space. A more intensive development on the site may compromise on the design, layout, parking facilities and amenity space in this prominent corner location. An assessment was required as to the acceptability of the proposed scheme in relation to the housing needs requirements and the wider benefits of the scheme such as the high quality of the development, the design and impact on the streetscene and the buildings being constructed to sustainable code 3. On balance it was considered these benefits were considered sufficient to justify an approval in this instance.

(iv) part of the site, the gardens to Plots 4 and 5, lay outside the village envelope. Whilst change of use to gardens was resisted in the open countryside this site was previously the beer garden to the former public house. An assessment therefore had to be made against the impact of this extension of domestic use to that of the garden area for the public house which contained seating and play equipment. It was not considered that the change of use would have a detrimental impact on the open countryside in this instance.

(b) Mr Weston was invited to speak on the application and stated that :-

- The Parish Council objected to the application
- It would be an impact on the local area
- The application did not comply with policy
- The houses were being advertised and sold as 3 bedrooms
- the Parish Council objected to the high railings planned into the scheme
- The high close boarded fence was not in-keeping with the local area
- The site entrance had moved and there was insufficient distance from the junction
- The application should be refused

(c) Councillor Rhodes invited to speak on the application and stated that :-

- There was an issue about affordable homes
- It was a brownfield site
- He did not have a problem with the access
- The design and railings were appropriate
- He had not received any bad feedback about the proposals
- The area needed something new with a nice appearance
- 2 of the houses were mid-range and needed

Councillor Baguley moved refusal based on the application not meeting local housing need. Councillor Cumbers was a seconder for this proposal and stated that the garden was outside the village envelope and did not meet the local housing need.

Councillor Illingworth moved to permit the application. Councillor Moncrieff stated that he was concerned about the lack of affordable housing and the overbuilding of larger properties in the Vale. The Principal Planning Officer stated that affordable housing contribution did not need to be sought as the scheme was under 6 houses.

Councillor Illingworth enquired if deferring the application could be a way forward. The Principal Planning Officer stated that a deferment would not be beneficial in this case.

Councillor Sheldon noted that permitted development rights needed to be removed.

On being put to the vote, the motion to refuse was carried with 6 in favour and 3 against. (Councillor Cumbers requested that her vote against be recorded.)

DETERMINATION : Refuse for the following reasons :-

- 1. In the opinion of the local planning authority the proposed type of houses do not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there was a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural north of the Borough. Accordingly the proposal failed to contribute to a sustainable and balanced housing market and was therefore considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large executive detached homes proposed in this application could not be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.**

2. In the opinion of the Local Planning Authority the proposal, if approved, would result in the creation of residential amenity area associated to plots 4 and 5 of the proposal, on land within open countryside, outside the designated Village Envelope. This would represent an unwarranted extension into the surrounding countryside which contributed to the village setting and would be detrimental to the rural character and appearance of the village, and detrimental to the character of the countryside. The proposal was therefore contrary to Policy OS2 of the adopted Melton Local Plan, and no material considerations were present which suggested that the decision should depart from these plans.

(3) Application 09/00279/TPO
: **Mr J.M. Playfer**
1 Faldo Drive, Melton Mowbray
Removal of 1 Lime Tree

(a) Principal Planning Officer stated that :-

(i) this application sought planning permission for the removal a lime tree protected by a tree preservation order. The preservation was an area order which was placed on the site of the former Framland Hospital in 1993. The tree in question was one of several limes in a linear group fronting Scalford Road from north to south and from Scalford Road to Faldo Drive from east to west. The applicant had requested the removal of the tree on health and safety concerns.

(ii) the concern was that a branch was ripped from the tree nearly hitting the property and potentially could have fallen on a person. The tree was causing block paving to buckle causing expense to the owner and the tree did not have a significant amenity value;

(iii) the tree had been assessed by the County Council Arboricultural who stated that the tree was in a healthy condition and had a significant amenity value in this location as part of a linear group of trees. There had been no specialist evidence submitted with the application to support the claims of the applicant or to justify the removal of the tree.

(b) Mr Playfer was invited to speak on the application

- The tree was too close to the property and represented a hazard
- They were concerned as it was forecast that gales were likely to increase
- The tree should be removed
- Building so close to a tree would not now be allowed
- If unsafe for new buildings, it must be equally unsafe to have an existing property near to the tree
- The tree was within less than half the distance of the radius of the exclusion zone
- Their Neighbours were in agreement with them
- The tree's absence would not make much difference

(c) Councillor J. Orson was invited to speak on the application and stated that

- Highlighted a spelling mistake on the previous application
- The tree did have a Tree Protection Order
- The trees had been planted too close together
- They would not be able to build houses so close to trees now
- The tree had caused damage to their block paving
- There had been 6 letters of support for the tree removal
- The amenity value could be questioned if the neighbours were happy with it being removed
- Their would be no impact on the street scene

The Principal Planning Officer noted that they had been provided with evidence that it was a hazard then the issue of amenity would not have come into effect. The Principal Planning Officer stated that they were aware of the support letters but amenity was also a matter for the wider public and not just people living in close proximity.

Councillor Illingworth moved to defer the application pending further technical advice. Councillor Botterill was a seconder for this proposal.

Councillor Baguley moved to refuse the application. Councillor Cumbers was a seconder for this proposal. Councillor Sheldon suggested that the applicants contact their insurance company who may be able to provide an free of charge aborculturist report.

On being put to the vote, the motion to defer was carried with 7 in favour and 2 against.

DETERMINATION : Deferred.

- (4) Application : 10/00193/FUL**
Applicant : Claregrange Limited
Location : Waltham Hall Home, 87 Melton Road, Waltham On The Wolds, LE14 4AJ
Proposal : New Extension to the existing Hall comprising: 13 Self Contained Flats, 16 additional bedrooms, private Crèche facility for staff's children, including driveway to new car park and cycle

(a) Principal Planning Officer stated that

(i) this application sought planning permission for an extension to an existing residential care home facility to provide 13 self contained flats, 16 additional bedrooms and private crèche. The care home was situated outside the village envelope for Waltham on the Wolds in the designated open countryside.

(ii) the application had been submitted to extend existing facilities to meet demand for residential care. The design, parking and impact on adjoining properties was considered acceptable. However, the site was located within the open countryside and this proposal represented a large extension and was not considered small scale. Therefore, the proposal was considered to

represent a departure from the development plan. On balance, however, it considered that there were material considerations such as providing alternative accommodation for the elderly and the development would not adversely impact on the open countryside which were considered to make the scheme acceptable in this instance.

(b) Mrs L. Simmonds was invited to speak on the application and stated that :-

- It was a messy development
- This application would mean an increase in traffic
- There was no facility for parking – the previous application was on understanding that the drive would be extended to allow 2 way traffic
- Parking was on the drive and there had been no attempt to rectify this
- There were no double yellows on the drive
- The original speed limit was 10 mph
- The speed humps had not been reinstated

(c) Ms. F. Handfield was invited to speak on the application but noted she had nothing further to add.

The Principal Planning Officer stated that the applicant was proposing an additional 32 spaces. Councillor Wyatt stated that a 10 mph limit was needed but the speed humps should be removed. Councillor Illingworth stated that a lower speed requirement was needed with no parking restrictions.

Councillor Holmes stated that there should be a condition that no cars be parked on the drive. The Principal Planning Officer stated that they had to be careful with the wording of the condition due to problems with enforcement. She also stated that there could be a condition to request signage and yellow lines on the driveway.

Councillor Illingworth moved to permit with conditions about signage. Councillor Wyatt noted that the sewerage pipes should be built in and not on the outside of the building. Councillor Illingworth accepted this amendment to his motion. Councillor Cumbers was a seconder for this motion.

Councillor Sheldon stated speed bumps needed to be included. On being put to the vote, the motion to permit was carried unanimously.

DETERMINATION : Permit subject to the condition(s) within the report and for the following reason(s) :-

1. the proposal sought planning permission to extend existing facilities to meet the demand for residential care, whilst recognising that there was potential to meet a wider demand by offering supported independent living accommodation. The design of the proposal was considered to be acceptable and parking facilities were to be increased in excess of the Highways requirements in order to alleviate current parking issues on the site. The principles for extending existing facilities outside of any settlement boundary were considered to be acceptable but on a small scale only. The proposal was not considered to be small scale and therefore represents a departure to the development plan. However it was considered that there were other

material considerations present such as providing alternative accommodation for the elderly and that the development would not have a detrimental impact upon the character of the countryside which indicates that the application should be permitted.

(5) Application : 10/00405/FUL
Applicant : Mr C Wilkinson
Location : 21 New Road, Burton Lazars, Melton Mowbray
LE14 2UU
Proposal : Extend outbuilding in rear garden

(a) The Principal Planning Officer stated that :-

(i) the applicant was a member staff and this was the reason the application was coming to the Committee;

(ii) this application relates to the extension of an outbuilding in the rear garden of 21 New Road, Burton Lazars. The proposal was situated within the village envelope for Burton Lazars;

(iii) since publication of the report comments had been received from Leicestershire County Council Archaeology who state that no archaeological work was required. Comments had also been received from Burton and Dalby Parish Council who had no objection to the application;

(iv) the site lay within the village envelope and there was a presumption in favour of development. The proposal was acceptable in terms of its design and access and would not adversely affect residential amenities of neighbouring properties.

A Motion to permit was seconded. On being put to the vote, the motion to permit was carried unanimously.

DETERMINATION : Delegate to permit, for the following reason(s), subject to no representations of objection being received on the application before the 8 July 2010, and subject to the conditions listed within the Committee report.

1. The application site lay within the village envelope of Burton Lazars and thus benefited from a presumption in favour of development under saved policies OS1 and BE1. The proposal was acceptable in terms of its design and appearance and would not adversely impact on the character and appearance of the area, the residential amenities of neighbouring properties or highway safety. The deadline for consultation was the 1 July and in order to allow for any comments to be received and considered for a period after the Committee date it was requested that delegated powers be granted to officers.

REQUEST TO AMEND NAME OF STREET – WYMONDHAM

The Principal Planning Officer (JW) submitted a report on behalf of the Head of Regulatory Services (copies of which had previously been circulated to Members) for Members to consider a request from Wymondham Parish Council to alter the street name assigned to a new development.

Councillor Sheldon moved the recommendation within the report. Councillor Moncrieff was a seconder for this proposal. On being put to the vote, the motion to refuse was lost with 4 in favour and 5 against.

Councillor Holmes moved to defer. Councillor Cumbers was a seconder for this proposal.

On being put to the vote, the motion to defer was carried with 6 in favour.

RESOLVED that the decision to alter the street name assigned to a new development. in Wymondham be deferred.

The Chairman, in exercising her statutory powers, advised the Committee that the following be considered as a matter of urgency as the issue had been raised following despatch of the agenda.

URGENT BUSINESS

DEVELOPMENT OF ABATTOIR, SIX HILLS LANE, OLD DALBY. PLANNING PERMISSION 09/00527/FUL

The Principal Planning submitted a report to inform the Committee of the unauthorised development that has been carried out and the potential courses of action.

The Principal Planning Officer stated that :-

(i) the report was as a result of unauthorised development that had been carried out and the potential course of action;

(ii) currently the building was being constructed in the wrong position and further investigation into the site revealed that the drawings submitted with the application conflicted with each other and therefore could not be constructed in accordance with the approved plan. The report was put to Committee to decide which plan was the one to which the building should be constructed;

(iv) the location plan, attached to the report was the requested drawing to which the building should be constructed. The construction of the building in this location would result in a smaller area of open countryside being developed, which would allow for parking and manoeuvring to be completed.

The Committee were requested to accept the attached plan as the agreed site and location for the abattoir to be constructed.

Councillor O'Callaghan requested to speak on the urgent item. The Principal Solicitor stated that unless 2 working days notice was given the constitution made no further provision for different speaking rules.

The Chairman suggested suspending orders to allow Councillor O' Callaghan to speak informally. The Principal Solicitor stated that she could only provide advice in accordance with the constitution and it was unclear from the constitution whether suspending orders required half of the whole namely full council to vote or only half of the Development Committee Members. However, she stated she understood the logic and reasoning behind this suggestion if late service of this item resulted in insufficient time being allowed to give proper notice of 2 days.

The Chairman stated that she would allow Councillor O'Callaghan to speak due to the report being brought in haste and Members not having time to provide the required 2 days notice to speak. The Chairman noted that if the application had to be re-submitted, grant aid approved by DEFRA through EMDA could be in jeopardy. This was the reason the Chairman approved the decision.

The Principal Planning Officer stated that the matter required an urgent decision which was in the public interest as it had become apparent that the development was not complying with the planning approval.

Councillor O' Callaghan was invited to speak on the report and stated that :-

- He had been supportive of the Abattoir since 1996
- It is not beneficial for Farmers to have to send animals long distance
- Could be a key abattoir in the region to deal with crisis
- The applicants had put up their own money and been successful in getting a grant from the East Midlands Development Agency (EMDA)
- EMDA was now being abolished
- If the Planning process started again funding would be withdrawn

Councillor Illingworth moved to permit building within the black section on the resubmitted drawings. Councillor Wyatt was a seconder for this proposal.

On being put to the vote, the motion to permit was carried with 7 in favour (2 abstentions).

RESOLVED that the report be noted and the site and location plans as detailed in the report be agreed as the approved plans from which the development should be constructed.

Next Meeting

The Chairman stated that the next meeting currently 12 applications on the proposed agenda asked Members if they were happy to hold the meeting at Waltham Village Hall. Members confirmed this was acceptable. It was decided to hold the site visit the Wednesday before the meeting. The meeting start time of 6 p.m. was confirmed.

The meeting which commenced at 6.00 p.m. closed at 8.20 p.m.

Chairman