



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

29 October 2015

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, P Faulkner, P Posnett, J Wyatt

Solicitor to the Council (HG), Regulatory Services Manager (PR),
Administrative Assistant (KS)

D43. APOLOGIES FOR ABSENCE

None

D44. DECLARATIONS OF INTEREST

None

D45. MINUTES

Minutes of the meeting 8 October 2015

Cllr Chandler asked for the sentence on page 100, “the Inspectorate dismissed the appeal because of the garage” to be changed to “because of the bungalow”.

Cllr Simpson asked for the sentence on page 104 “although she sympathises with objectors we need farming” to be removed and replaced with “this is exactly what she expects to see in the countryside”.

Approval of the Minutes was proposed by Cllr Simpson and seconded by Cllr Holmes. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D46. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 15/00649/FUL
Applicant: Mr and Mrs H Niedzwiecki
Location: Land off Stygate Lane, Pickwell
Proposal: Detached chalet bungalow and garage

(a) The Regulatory Services Manager stated that:

Described the development which is a detached 2 bedroom dwelling. The application relates to a dwelling outside the village envelope for Pickwell, but inside the Conservation Area. Outlined the key issues which are:

- Compliance to the development plan: whether it is justified to make an exception to Development Plan policies
- Impact upon residential amenity
- Impact upon highway safety
- Impact upon the Conservation Area.

Noted that while there were no technical or amenity concerns there was an objection in principle because Pickwell is not considered to be a sustainable village and housing development is not therefore supported unless the sustainability of the village was to be improved. The environmental enhancements to the building are not, on its own, considered as sufficient reason to grant consent contrary to the local plan and the NPPF and accordingly the application is recommended for refusal.

Noted that since the agenda had been published the applicants had submitted additional information expanding upon the eco credentials of the proposal.

(b) Colin Marlow, of the Parish Council, was invited to speak and stated that:

- Carefully considered proposal
- Long term requirements
- Need for development
- Unsustainable location is worrying as it implies lack of future
- Policy detrimental to small communities outside of Melton

Cllr Simpson asked how far and how easy it was to get to Somerby.

Mr Marlow stated that it was walking distance at less than a mile.

Cllr Simpson asked if there was a footpath.

Mr Marlow confirmed that there was along the roadside.

(c) Alan Ledwell-Clarke, an objector, was invited to speak and stated that:

- Location, flooding and structural issues

- Location of the dwelling would have detrimental effect on neighbouring garden walls
- Percolation tests done during dry period thus low water table
- Water runs off into the neighbouring garage
- Suggest dwelling is moved to the north of the plot to alleviate neighbours

(d) Moira Niedzwiecki, the applicant, was invited to speak and stated that:

- Modest eco house
- All villages capable of developing some growth
- Somerby 1 mile away with good links and a footpath
- Maintain the life of community
- Increase parish housing stock at entry level price
- Current housing shortage
- Would not require additional heating
- Sympathetic to Conservation Area
- Meet future needs of future applicants
- Worthwhile contribution

Cllr Cumbers asked if the footpath was paved or dirt.

Mrs Niedzwiecki stated that it was partly paved.

Cllr Cumbers asked if the dwelling would be a self-build.

Mrs Niedzwiecki stated that the applicants would be involved with the building but a builder would also be involved.

Cllr Botterill asked if the heating system would be through the ground.

Mrs Niedzwiecki stated that there would be no heating as the building would be so well insulated.

Cllr Simpson asked if the water to be re-used would come off of the roof.

Mrs Niedzwiecki stated that it would be collected in a rain water harvesting tank. Any that was not to be re-used would drain away into the farmers' field.

(e) Cllr Leigh Higgins, the Ward Councillor, was invited to speak and stated that:

- NPPF states that a wide range of choice of development should be delivered
- People in need of 2 or 3 bed houses
- Drainage concerns addressed but if approved should be conditioned
- Close to local amenities with a footpath to Somerby
- Deemed an unsustainable location but the Local Plan is moving forward
- Property has sustainable factors

The Chair asked what the bus service was.

Cllr Higgins stated that there are 2 bus services that run through Pickwell to Melton and Oakham.

The Regulatory Services Manager stated that there was a difference in ground levels with 3 to 4 metres between the proposed site and the neighbours. However, there would be no significant adverse effect on the amenities of neighbours.

Cllr Simpson stated that she was pleased to see the application and thought it was a tremendous way to improve the housing stock. She believed it was not detrimental to the conservation area and the green credentials outweigh the unsustainability. **Cllr Simpson proposed to permit the application.** At the suggestion of **Cllr Cumbers** this was subject to a condition to remove permitted development rights, to ensure that any subsequent extensions which could increase the size of the dwelling and the number of bedrooms were formally considered.

Cllr Posnett seconded the proposal to permit and stated that nowhere would become sustainable unless it was made sustainable and the design is good.

Cllr Cumbers agreed and stated there were a lot of positives. It is a good example for more of the same and a 2 bed dwelling is an asset. She suggested removing the permitted development rights to ensure it stays a small dwelling.

Cllr Simpson stated that she was happy to have the condition incorporated and Cllr Posnett agreed.

Cllr Chandler stated that she could not support the application because although there are merits in the proposal, it is in an unsustainable location and there have been applications refused in Muston due to sustainability. She stated that she must think of her own Ward.

Cllr Holmes was concerned about the ironstone face as water will flow through it. If the house was situated on the north of the plot it would make a difference and not impact on the houses below.

Cllr Botterill stated that it was an innovative application and he looked forward to seeing it in being.

Cllr Simpson stated that the eco credentials of the application outweigh any perception that the flooding problem could be worse.

The Regulatory Services Manager outlined the reasons to permit, noting that in this case the Members had given weight to the eco credentials of the dwelling, the local connections of the applicants who intended to occupy the dwelling, the relatively modest scale of the dwelling (2 bedrooms) and the relationship between the site and services and facilities in Somerby.

A vote was taken. 9 Members voted in favour of the proposal to permit, 1 Member voted against the proposal. 1 Member abstained.

Cllr Chandler wished for her vote against approving the proposal to permit to be recorded based on sustainability.

DETERMINATION: Approved subject to standard conditions, plus a condition to remove permitted development rights

(2) **Reference:** **15/00652/COU**
 Applicant: **Mrs J Skipper**
 Location: **Land between 2 & 8 Richard Close, Melton Mowbray**
 Proposal: **Change of use of land to garden**

(a) The Regulatory Services Manager stated that:

(b) John Stokes, an objector, was invited to speak and stated that:

- No other amenity space in close
- Enjoyed by all residents
- Application results in loss of parking
- Quiet environment – any excess noise will impact
- Policy OS1 not adhered to

(c) Janice Skipper, the applicant, was invited to speak and stated that:

- Application takes applicant's cars off of the road offering more space
- Easier for emergency vehicles to access close
- Bushes to be retained and picket fence would not be visible to other residents
- Land purchased by applicants and would be maintained

Cllr Posnett stated that the development is attractive and well-designed however there is a problem with parking as people on Saxby Road use Richard Close to park. The land is amenity space for children to play on and the proposal does not fit with the development. She stated that she could not support the recommendation to permit.

Cllr Baguley asked that if the applicant had bought the land as private land, was it sold with a condition to supply amenity land.

The Chair stated that this was not known and ownership is not the overriding consideration.

Cllr Cumbers stated that developments always need amenity land and it is not right to take this land away.

Cllr Posnett proposed to defer the application as the questions about ownership needed to be answered.

Cllr Chandler seconded the proposal to defer. She referred to the appeal decision of 2009 which was dismissed due to loss of the open space.

The Chair stated that this was a case for refusal, not deferral.

Cllr Posnett withdrew the proposal to defer and proposed to refuse the application.

Cllr Chandler seconded the proposal.

The Regulatory Services Manager summarised the reason for refusal which was that the loss of the open space, which was laid out as a part of the original housing development, would be detrimental to the amenities of neighbours, contrary to saved Local Plan policies and the NPPF.

A vote was taken. 10 Members voted in favour of the proposal to refuse. 1 Member voted against the proposal. Cllr Baguley wished for her vote against to be recorded.

DETERMINATION: Refused for the following reason:

The application relates to an open space which was provided as part of a housing development. The proposal would result in the loss of this amenity space to the detriment of the residential amenity of the occupants of the surrounding dwellings. The proposal is therefore contrary to the provisions of Policy H10 and BE1 of the Adopted Melton Local Plan and to the NPPF (7. Requiring good design) which seek to ensure that new development is well designed and served by adequate levels of open space

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- (3) **Reference:** 15/00195/FUL & 15/00221/LBC
 Applicant: Marstons PLC
 Location: Nags Head Inn, 20 Main Street, Harby
 Proposal: Alterations to existing ventilation system to catering kitchen

(a) The Regulatory Services Manager stated that:

Introduced the application by briefly running the background to previous applications which had sought to regularise the extraction louvre which had been attached to the side of the building. The current application was for a fan and ducting discharging from the kitchen internally up into the roof space, with a flue on the rear slope of the roof. The existing, unauthorised, louvre would be removed and the wall made good.

The key issues in the case of these applications are:
Impact upon the amenity of neighbours
Visual impact on the building and locality

Impact upon the character and appearance of the listed building and the on the fabric of the listed building

The new discharge system moves the flue further away from neighbours and the scheme minimises the impact of noise and odours. Environmental Health consider that this is acceptable.

The removal of the unsightly louvre and the addition of a small flue in the roof, just below the ridge of the roof would have limited impact upon the building and the less than substantial harm is outweighed by the public benefit of addressing the noise and odour issues.

(b) Anne Marie Hall, a supporter, was invited to speak and stated that:

- Reassured applicants have proposed a solution
- Will remove noise and smell
- Complimentary to building
- Wanted reassurance that the LPA will ensure conditions are kept to
- Ensure that fat soaked into building is professionally cleaned

(c) Cllr Byron Rhodes, the Ward Councillor, was invited to speak and stated that:

- Endured 458 days of noise and smell
- Applicants disregarded law to install fan
- Application will work but needs to be implemented as soon as possible

The Regulatory Services Manager assured Mrs Hall that the LPA would expedite the process to have the problems dealt with as soon as possible. He stated that in terms of the wall cleaning, the conditions would ensure the building would be returned to its former glory. The equipment installed would be monitored by Environmental Health. He stated that the timescales would be enforced with 2 months being the longest turnaround, but it could probably be done much faster.

The Chair suggested that the wording of condition 3 should be changed to “Following the installation of this equipment, no cooking shall take place...”

The Committee were in agreement.

Cllr Glancy was concerned that condition 1 contradicted condition 3.

The Regulatory Services Manager stated condition 1 was a standard condition but could be removed as the times for details to be submitted and works commenced were addressed by other conditions.

Cllr Baguley proposed to permit the application.

Cllr Wyatt seconded the proposal.

A vote was taken. It was unanimously decided that the application should be approved.

DETERMINATION: Both Planning Permission and Listed Building Consent be granted, subject to the deletion of the time limit condition (condition 1) of 15/00195/FUL and the following inserted at the start of the final sentence in condition 3 “Following the installation of this equipmentno cooking”

D47. Report of the Head of Regulatory Services – Enforcement reference 15/00093/BOC – Erection of fence, 11 Easthorpe View, Bottesford

(a) The Regulatory Services Manager stated that:

The majority of the fence was now in accordance with the planning permission, as agreed by this committee. The exception is the portion in front of the garage (about 6m) which is unauthorised and which Members need to consider whether or not to take Enforcement action.

Cllr Chandler stated that she did not condone the fact that the applicant's had taken the extra 6ft but she felt as though the issue had gone as far as it could go. She stated that the applicant's needed privacy. She proposed to leave the fence as it is. Cllr Wyatt proposed that the fence should be cut down to 1m or taken down completely, and if this is not complied with enforcement action should follow.

Cllr Botterill stated that the fence looked better scalloped. He suggested that it should remain subject to another hedge being planted.

The Regulatory Services Manager stated that Members needed to consider whether to take enforcement action, which could include remedial works, or that the unauthorised section of the fence should be removed or that no action is necessary. Cllr Botterill noted that there had been some determination to comply. **Cllr Botterill proposed** that 6ft should be taken off or another hedge should be planted. The enforcement notice should include work to be done to the fence.

Cllr Holmes seconded the proposal.

Cllr Baguley proposed an amendment to take enforcement action as this has gone on too long, cost too much money and there is harm to the entrance of the close.

Cllr Cumbers seconded the proposal.

A vote was taken. 6 Members voted in favour of the proposed amendment to issue an enforcement notice to secure the removal of the unauthorised section of fence. 5 Members voted against the proposal.

DETERMINATION: That an Enforcement Notice is served to secure the removal of the unauthorised section of fence.

D48. URGENT BUSINESS

The Chair stated Members may be aware that one of our planning officers, Denise Knipe, is leaving us next week to take up a new job in a private sector planning consultancy. Denise has filled several roles in the council and has developed to an accomplished planning officer and provided excellent service and assistance to this Committee over many years. Please could you join me in conveying a vote of thanks for all her efforts, and wishing her all the best in her new role.

The Members joined the Chair in wishing Denise well.

The meeting commenced at 6.00 pm and closed at 8.08pm