

MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

29 September 2016

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers,
M Glancy, E Holmes, M Sheldon, J Wyatt, L Higgins (substituting for Cllr Douglas),

Solicitor to the Council (VW), Head of Regulatory Services (JW),
Regulatory Services Manager (PR),
Planning Officer (JS), Administrative Assistant (LR)

PL1. APOLOGIES FOR ABSENCE

Cllr Douglas (Cllr Higgins substituting)

PL2. DECLARATIONS OF INTEREST

None.

PL3. MINUTES

Minutes of the meeting 08.09.2016

Cllr Simpson requested that page 105, which states that she voted to refuse the application due to protection of open spaces, to be amended to state that she voted to refuse the application as per officer's recommendation. The Regulatory Services Manager confirmed that this had already been amended.

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

The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

PL4. SCHEDULE OF APPLICATIONS

Chair advised that application 16/00351/FUL Windsor Road ,Waltham had been

withdrawn and would not be considered at this meeting.

- (1) **Reference:** 16/00384/OUT
Applicant: Ms M Hourd
Location: Paddock Land, The Green, Stathern
Proposal: Outline planning permission with all matters reserved, except access, for a residential development comprising 5 dwellings.

(a) The Regulatory Services Manager introduced the application highlighted the main issues as set out in the committee report.

Reported update – request from LCC Archaeology for standard conditions.

(b) Louise O'Donaghue, objector, was invited to speak and stated that

- The parish council have recommended refusal of this application
- The site is in a conservation area
- Proposed access is over 1.5 m elevated.
- As per the Melton Local Plan this development would be detrimental to the rural village character.
- As a parent of neighbouring property – visibility is adequate but only if mature hedgerows are removed.
- Topography has not been considered, there is a drop from the entrance at start of site, vehicles leaving the site would be blind to other road users.
- Traffic reported as low speed and low volume of incidents – residents often have to stop abruptly. Road is generally avoided as it is not safe. Irresponsible to rely on self-policing.
- Road is used by horse riders and school children more than vehicles as it is a single track lane. The village green was a play area, now there isn't one, children play in street. Increased risk to pedestrians.
- Bin lorries have no way to back out, construction would close the road, emergency services unable to get down road. Likely to result in injury.

Dialogue between Members and speaker about need for evidence to support a highways reason for refusing permission.

Peter Wilkinson, agent for the applicant, was invited to speak and stated that

- Stathern is one of the main rural service centres
- The application is for 5 houses, with existing housing on three sides
- The site is not in a conservation area.
- Fits with approach in the emerging local plan as it is a small development.
- Highways consultants find the site acceptable, there has been one

documented injury in Stathern in the past four years which was not near this site.

- There is a footway on the opposite side of road.
- No Highway Authority objection
- In response to Pat Reid's comments on archaeology – the lack of finds in the area suggest negative – likely to cost in region of £10,000 pounds, slow provision of housing is due to large amounts of conditions. Architectural watching brief condition is all that would be required.

Cllr Byron Rhodes, Ward Councillor, was invited to speak and stated that

- The site is a convenient place for a development but as objector has stated certain problems can only be seen on site visit, the problems are not easily apparent.
- Concerned about access, proposed access could prove dangerous, there must be a way for this to be improved by conditions.
- Ask that the Planning Committee consult further with Highway Authority and Parish Council to see how the design can be improved before final approval.

The Chairman asked if Cllr Rhodes was suggesting deferral. **Cllr Rhodes** responded not necessarily deferral, but is asking for improvement in conditions.

Regulatory Services Manager spoke in response to the speakers' comments and stated that

- Objector and ward member have mentioned highways – reiterate that scheme has been considered and approved subject to conditions, adding that members can request other conditions as well.
- With regards to conservation, the boundary follows the same line as the conservation area but does not fall within it.
- Parish council seven day review – not sure what this refers to, unaware of concerns from parish council.
- Archaeological – received recently, county archaeologist requires, have asked for three conditions. In absence of any other considerations must use these conditions.
- Accidents – no record of accidents that preclude granting permission.
- Appearance of site - majority of members have seen the site and can come to their own conclusions.

Cllr Holmes voiced concerns about highway safety and access with large vehicles using The Green .**Cllr Holmes moved that permission should be approved**

subject to highways conditions.

Cllr Simpson seconded the proposal. Considered that the site was suitable for development ,but needs highways improvements ,suggested a footpath and vehicle turning area.

Cllr Holmes confirmed that she was happy to incorporate Cllr Simpson's suggestions.

The Regulatory Services Manager clarified which conditions Cllr Simpson was suggesting – pedestrian footpath link to existing pavements, turning for bin lorry within site so vehicles can leave and enter safely, and thirdly that gradient should be acceptable level for safety.

Discussion about highways matters and how they could be controlled by conditions.

Chair questioned whether deferral was necessary to address these matters.

Cllr Holmes proposed amendment to defer ,seconded by Cllr Simpson.

Continuing discussion about highways matters and merits of deferral.

Cllr Wyatt proposed a amendment that the application should be approved with a 7m wide access. **Cllr Botterill** seconded proposal.

Chair advised that an amendment cannot supersede an existing proposal.

The Solicitor to the Council confirmed that an amendment can be made to any proposal as long as it does not negate the original proposal.

A vote was taken. 10 members voted to defer the application. Cllr Wyatt abstained from the vote.

DETERMINATION: Deferred to seek amendments to access.

-
- (2) **Reference: 16/00222/REM**
- Applicant: Homelink Properties:- Mr McKenna**
- Location: The Homelands, 4 Dickmans Lane, Harby**
- Proposal: Reserved matters for two 2 bedroom dwellings considering appearance in relation to 13/00556/OUT.**

(a) The Regulatory Services Manager introduced the application and highlighted the

main issues.

Update - Comments had been received from Clawson Hose and Harby Parish Council ,which had previously been submitted and are summarised on page 3 of the report.

Phil Sewell, objector, was invited to speak and stated that

- Lives at number 6. Some houses on this road go back to 17th 18th century.
- His kitchen window, bedroom window and garden overlooked by the rear of these two houses. Large trees on two sides of back garden, if this development is built it will reduce light into house dramatically.
- Refusal from secretary of state – height and length overbearing to house no.6 – unacceptable loss of sky light.
- Over intensive proposal for site. Was rejected last year.
- Proposed development invades privacy of house no. 4. Concluded levels would affect occupiers of adjacent properties.
- Local plan. Adverse effects outweigh contribution.

Member Higgins questioned why appeal isn't referenced in the report. Speaker confirmed that it was at the top of page 2 under the relevant history section.

Cllr Rhodes was invited to speak and stated that

- Know site well.
- Controversial, lengthy debate in committee with regards to previous application and decided not happy with it. Inspectorate upheld planning committee's decision.
- This application is not much different from the previous application.
- Building of this size unacceptable for this plot.

The Regulatory Services Manager showed Members layout of refused scheme and explained differences

Members expressed concern about level of amenity in new dwellings and impact upon neighbours. Noted that would have liked more information on the differences between current application and the appeal case.

Cllr Higgins proposed refusal of planning permission on the grounds of residential amenity, as the appeal case .

Cllr Baguley seconded the proposal to refuse adding that this is overdevelopment of the site.

Members voted unanimously to refuse the application.

DETERMINATION: Refused: Adverse impact upon residential amenity (as previous refusal)

(3) Reference: 16/00416/OUT

Applicant: Mr E Hanlon

Location: 36 Wartnaby Road, Ab Kettleby

Proposal: 5 Houses and 1 Cottage, garages and parking.

(a) The Regulatory Services Manager introduced the application and highlighted the main issues

No registered speakers.

Cllr Holmes expressed concern about the application and **proposed to refuse on the grounds of over intensification**

The Head of Regulatory Services advised that over intensification on its own is not an acceptable reason for refusal. Needs evidence.

Members expressed concern about the size of the dwellings and impact upon the character of the area. It was also discussed that the proposal alters the street scene in the village, would impact a historical stone building, and aggravate parking issues.

The Regulatory Services Manager confirmed that the reasons for refusal with regards to the proposal being out of character with the area would that the scheme was contrary to policies OS1 and BE1

Cllr Holmes proposed refusal of permission due to adverse impact upon the character of the area

Cllr chandler seconded the proposal to refuse

Members discussed need for housing ,balanced against other considerations ,including character of development and possible parking problems.

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

DETERMINATION: Refused : Out of keeping and adverse impact on the character of the area, not outweighed by the benefit of adding to housing supply

- (4) **Reference: 16/00490/FUL**
- Applicant: Mr And Mrs Johnston**
- Location: 4 Old Brickyard Cottages, Eastwell Road, Scalford**
- Proposal: Demolition of garage. New two bedroom dwelling and parking.**

(a) The Regulatory Services Manager introduced the application and highlighted the main issues.

Elizabeth Bryant, on behalf of Scalford Parish Council, was invited to speak and stated that

- Parish council objects to this proposal as with previous application for the site
- Inappropriate development for the countryside
- Adjacent site gained approval but was for business purposes.
- This proposal would detract from adjacent brick built terrace.

John Fowkes, agent for the applicant, was invited to speak and stated that

- This is the second application for this site – first application was refused on sustainability and design.
- Have received 6 letters of support from village.
- Believe that the site forms part of Johnson's residential curtilage, not a countryside or agricultural plot.
- Johnsons wish to downsize to two bedroom dwelling.
- Shortage of housing.
- Mrs Johnson works at garden centre next door.
- Parking and access good, design good.
- Shortage of 2 bedroom houses in the Borough.
- Designed as lifetime home, upside down house, energy efficient.
- Replaces old garage which does not look good, report says it makes positive impact on street scene.
- Sustainability issue could be outweighed. Bus runs nearby. Benefits outweigh negatives 10 to 1. Application should approved.

Wide ranging discussion about the sustainability of a dwelling in this location, the merits of the design of the dwelling and concerns about highway safety.

Cllr Holmes proposed approval , seconded by Cllr Baguley.

A vote was taken. 5 members voted to approve the application, 6 members voted against approval. Proposal to approve lost. Need affirmative proposal to refuse.

Cllr Sheldon proposed refusal of the application,

Cllr Simpson seconded proposal to refuse as Officer's recommendation.

A vote was taken. 6 members voted to refuse the application, 5 voted to approve.
Application refused.

DETERMINATION: Refused as per recommendation.

(6) Reference: 16/00426/FUL

Applicant: Mr And Mrs Chris And Hannah Bembridge

Location: Woodville, 4 Dalliwel, Stathern

Proposal: Demolition of bungalow replace with 2 storey property.

(a) The Head of Regulatory Services stated that:

An interesting application that has attracted comment both for and against.

The key issue is that of design in its setting and particularly in the Conservation Area. The parameters for consideration of this application are set out on pages 6 and 7, alongside an explanation of the concept of the proposal and how it seeks to reflect its rural location.

The Committee is familiar with the guidance that we should not use our powers simply to impose preferred tastes. The judgement needs to be based upon whether the development would complement its surroundings and, even if not, whether a departure from them would be harmful. As part of this is NPPF guidance that 'great weight' should be applied to outstanding or innovative designs.

Can I suggest the starting point for evaluation of this application is the need to pay special attention to preserving or enhancing the character and appearance of the Conservation Area – a requirement of law.

Of course it is a matter of judgement – whether in this mixed setting and replacing an anonymous bungalow - the house would be harmful, and of course whether the design is innovation and outstanding.

As you will see in the report the officer and Conservation Officer consider the design beneficial in both respects, influenced significantly by the diversity in the area and the existing bungalow and it is for these reasons approval is recommended. This is not to imply that innovative design would always be acceptable, their view is that the particular site circumstances are of advantage to this proposal

David Mell, objector, was invited to speak and stated that

- Currently live across the road from the bungalow, speaking on behalf of neighbours also.
- Have no issue with demolition and rebuild.
- Not against modern design and variety.
- This location is hard up against narrow street within a conservation area
- Barn does not reach statutory requirements for approval.
- Not against modern design and variety.
- In this location hard up against narrow street in conservation area, barn does not reach statutory requirements for approval.
- Must preserve or enhance appearance of area.
- Artist's impressions – original specification vs amended specification – now all black cladding. Two storey building will overlook listed building.
- Impact of garage on street scene.
- Plans to be 3 bed but also be 3 bathroom.
- The amendment caused objection from the parish council as opposed to support from people outside the area.
- Stathern is not agricultural village. Barn design does not fit with village.
- Request refusal.

Mr Wong, agent for the applicant, was invited to speak and stated that

- Understand and appreciate David Mell's concerns.
- Have extensive listed building experience and understanding of conservation areas.
- Clients sold Grade II listed house. Keen to live in Stathern due to local amenities and playground.
- Addressing concerns raised – the first scheme – worked closely with planning officer and conservation officer – detail and quality of design is different. Welcome conditions to demonstrate quality.
- With regards to overlooking – no windows are overlooking neighbouring houses, overlooking far end of one garden, can consider trees and landscaping to address that.
- House itself is modest, feel worked well with planning officer and conservation officer.
- Generous internal layout for young family.

Member asked questioned whether planting could be provided to help prevent overlooking of neighbour.

Cllr Byron Rhodes, Ward Member , was invited to speak and stated that

- Agree with the points raised by David Mell, the design is not appropriate for

- location, particularly the finish of it.
- When site was first proposed a lot of emails were received in support of the new building as the existing bungalow is unattractive. When the design was changed people started to object.
- Question some of the support received as it has not come from within the village - villagers feel some support has been orchestrated from outside.
- Material problem is that the proposed building is much larger than existing building, the finish is not right for the location - should be more traditional as in a conservation area.
- The owners of the listing building close to the site are concerned about the effect on their property.
- Applicants could change materials and modify design – propose refusal and resubmission of plans.

The Head of Regulatory Services spoke regarding Mr Mell and Mr Wong's presentations. On page 5 of the report, the Conservation Officer suggested the amendments to make it more faithful to the concept of appearing like a barn rather than being neither one thing nor the other. The application is not trying to fit in with the area.

Discussion about the merits of the proposal ,Members expressed concern about the height and design of the building and the proposed materials. Suggested that reasons for refusal could be out of keeping with surroundings, overbearing, height and location.

The Head of Regulatory Services confirmed that the law with regards to conservation areas is to conserve and enhance the area. This application does not conserve but does enhance by replacing the existing building with better quality and visually better building.

Cllr Holmes proposed to refuse the application because of the adverse impact upon the conservation area. **Cllr Botterill** seconded the proposal to refuse, agreeing that it is out of character with the area.

Continuing discussion and concerns expressed about the design of the proposal. A vote was taken. Six members voted to refuse the application. 3 voted to approve. 2 members abstained from the vote. **Cllr Baguley** asked for her vote against the proposal to be recorded.

Application refused.

DETERMINATION: Refused, out of keeping with the area and overbearing in the street scene, resulting in harm to the character and appearance of the Conservation Area and setting of the adjacent listed building.

Meeting suspended for 3 minutes

PL.5

15/00547/OUT : DEVELOPMENT OF 10 PRIVATE DWELLINGS AND PUBLIC OPEN SPACE, FIELD NO 7858, MELTON ROAD, LONG CLAWSON

The report addresses the receipt of a request to review section 106 obligations.

The Head of Regulatory Services stated that there was an error in the report. The applicant's request to the Committee to vary the terms of its decision relates only to the affordable housing component. The 'tariff style' payments for civic amenity have been linked in error because they are subject to the same changes to PPG as the affordable housing and , whilst they need addressing, this is because of the PPG changes rather than a request.

Had the request not been made, we would have had to present a report of this nature because PPG effectively prevents the inclusion of affordable housing requirements and tariff style payments anyway.

Before proceeding, I would report we have received a question, and a request, regarding consultation. We are asked whether we should consult on these issues before deciding. I have advised that we don't need to, but Committee is able to if it wishes to

The Committee's original resolution was:

PERMIT, subject to:-

(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:

(i) Contribution for the improvement to civic amenity sites.

(ii) Contribution to Education

(iii) Contribution to travel packs

(iv) Contribution to maintenance of open space

(v) Sustainable transportation

(vi) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

PPG effectively prevents us from making requirements for affordable housing. The Committee is invited to consider whether the absence of AH is too great a deficiency in the balance of the issues.

However whilst clearly weakening the merits of the application, in the light of PPG it is considered that the balance still, lies in favour. Physically we have concluded the site is suitable for housing, the debate is about what type.

PPG has deliberately been changed for circumstances like these to facilitate small schemes. The balance of the issued we are required to consider is the balance in policy (as opposed to personal preference) and the recommendation is made in this light.

It has been suggested to you that you should revert back to the original resolution. However I would advise that this is not really an option because of the PPG rulings on AH and tariff style contributions. This would require the Committee ignore national policy, and its intent, which they should not do.

LCC: A tariff style obligation is where an authority have pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. It is not a contribution towards infrastructure that is required by policy to make a development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs) and then pooled together to develop the required infrastructure.

You will note from the documents supplied to your authority at the time of the original consultation on the planning application that specific needs for infrastructure arising as a consequence of this development were identified in terms of a specific projects and facilities. None are intended to be pooled to provide general infrastructure. Where the confusion might arise is the basis upon which the estimated cost of the contribution is worked out. This is done on a formula basis per unit (house, pupil, etc.) based on costs related to the provision of that particular infrastructure.

Members discussed merits of case.

Cllr Wyatt proposed that decision should be deferred to allow consultation to be undertaken. **Seconded by Cllr Simpson.**

Discussion which questioned need for deferral.

Vote taken with 3 supporting deferral ,7 against and one abstention

Cllr Chandler proposed supporting the recommendation. **Seconded by Cllr Higgins**

Vote taken with 7 for and 4 against the recommendation

DETERMINATION: Agreed as recommendation

PL6. URGENT BUSINESS

15/00902/COU: USE OF LAND AS A TRAVELLERS SITE: GOADBY RD, WALTHAM

With the agreement of the Chair the Head of Regulatory Services introduced a report which conveyed the outcome of the Committee's request to investigate the prospects of legal challenge to the above appeal decision.

He informed Members that Counsel's advice is:

*"I advise that there are not cogent and convincing grounds to challenge the grant of planning permission. **There is not a reasonable prospect of challenging the decision in the High Court**"*

He recommended that this was noted that the committee takes no further action.

Cllr Botterill proposed supporting the recommendation ,which was **seconded by Cllr Higgins**

Vote taken with 10 for,0 against and one abstention.

DETERMINATION: Agreed as recommendation

The meeting commenced at 6.00 pm and closed at 8.45 pm