



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

13 June 2013

PRESENT:

P.M. Chandler (Chair), P. Baguley, G Botterill
G Bush, P. Cumbers, A Freer-Jones, J Illingworth
T Moncrieff, J Simpson, J Wyatt,

Observing Councillors: Cllr J Moulding

Head of Regulatory Services, Solicitors to the Council (VW and VJ)
Applications and Advice Manager (JW) Planning Policy Officer (PG)
Administrative Assistant (JB)

D6. APOLOGIES FOR ABSENCE

Cllr E. Holmes

D7. MINUTES

Approval of the Minutes of the Meeting held on 23 May 2013 was proposed by Cllr Baguley and seconded by Cllr Illingworth. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D8. DECLARATIONS OF INTEREST

12/00905/FUL – Cllr Chandler notified the Members that the applicant is a distant relation and that she intended to withdraw from the meeting while the application was heard.

12/00905/FUL – The Applications and Advice Manager notified the Members that she is personally known to a speaker against the application and that she intended to withdraw from the meeting while the application was heard.

D9. SCHEDULE OF APPLICATIONS

The Chair and the Advice and Applications Manager left the meeting and the Vice Chair, Cllr Cumbers took the Chair.

- (1) **Reference:** 12/00905/FUL
Applicant: Mr P Woods
Location: Brakenfield, 2 Harby Lane, Stathern
Proposal: New dwelling, access and garage.

(a) The Head of Regulatory Services stated that:

This application seeks planning permission for the erection of a new dwelling to the rear of 2 Harby Lane, Stathern. The site lies in the Village Envelope for Stathern.

Since publication of the report comments have been submitted from 2 Harby Lane with regards to the proposed development and the outline planning permission granted on the site. They state that when they applied for planning permission restrictions were imposed on the consent in respect of removing windows on the side elevation which was completed at great expense to the owners and the new drive had to be 300 mm below the ground level of no. 2 to allow for privacy to the house due to the movement of people going up and down the drive. They consider that these points should be part of the consideration of this application.

Cllr Rhodes has suggested deferment if Members aren't suitably informed to decide. In respect of these comments, the outline application was approved with a condition to alter windows in the west elevation to be high level. This was offered by the applicant at the time as a solution to the concerns of officers with regards to the impact of the access on the occupant of no.2 Harby Lane. As this work has been completed it is not considered necessary to impose this on the current application. There is no condition imposed on the outline consent that the ground level of the drive should be 300mm below ground level. There is no evidence in the file that this was requested by the officer or that it formed part of the application, it did not form part of the plans submitted with the application. It is considered, however, that a condition with respect of levels of the driveway is not considered necessary and as Members witnessed on the site visit the relationship between the existing property and proposed driveway is considered acceptable.

It was considered that the main issue with regard to this application was compliance with the development plan. The application was considered acceptable in terms of highway safety, impact on neighbours, design and sustainable location. However, the proposal for a three bedroom dwelling is not considered to meet identified housing need. In this case there is a ground floor bedroom and offers potential as a lifetime home. It is not proposed to build a large executive dwelling on the site and the design is considered to enhance the Conservation Area. Therefore on balance it is considered that the benefits are

sufficient to outweigh the harm in relation to housing need. The application was considered acceptable and was recommended for approval.

The Chair stated that a member of the public has requested to speak after the usual deadline. Standing orders would have to be suspended to allow this. Cllr Botterill moved to suspend standing orders, Cllr Moncrieff seconded this proposal.

A vote was taken: 6 for suspension 1 against and 2 abstentions.

(b) Mrs King, an objector, was invited to speak and stated that:

- She lives at 5 City Rd, the property to the rear of the proposal
- The proposed building will affect the PVs recently installed on their dwelling. These had been installed in the belief that the permission previously was for a smaller building and would not affect the sunlight to their house
- 2 bedroomed properties are required in the area not 3 bedroomed as this is
- The site is small and would suit a smaller building

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

- The 1.5 storey dwelling proposed is attractive and traditional; in keeping with the village
- They have worked with planning officers to reduce the height, size and roof profile; given recent amendments believe the proposal is now in keeping with area
- There is an extant application for the site
- This is not a speculative development, this is their family home
- The application meets all guidelines.

Members asked the agent if the driveway is shared with existing dwellings and if it had already been lowered.

Mr Brindley replied that it would not be shared and it had not been lowered to his knowledge.

Members asked if lowering the driveway was part of the planning application before them.

The Head of Regulatory Services replied that it was not.

The Head of Regulatory Services replied to comments of the speakers: distances from existing dwellings and possible overshadowing of neighbours have been considered and are not unreasonable in comparison to dwellings in the area.

Members discussed the effect of the proposal on the PVs of 5 City Rd and if a revisit to the site would be helpful. Also he advised how much bigger is the height

compared to a bungalow.

The Head of Regulatory Services replied that although the affect on the PVs would be a material consideration they are considered to be too far away to be affected. He went on to say that the height of the bungalow previously approved at outline was not specified but that on average the difference in height between a bungalow and the proposed 1.5 storey height was between 0.5 and 1 metre.

Cllr Botterill **proposed to defer the determination** until a further site visit can be made.

Cllr Moncrieff **seconded the proposal to defer.**

A vote was taken: 3 in favour, 4 against.

Cllr Baguley **proposed approval of the application** as recommended in the officer's report.

Cllr Wyatt **seconded the proposal to approve the application.**

The Chair asked for confirmation that the conditions as per the officer's report were satisfactory.

Cllr Baguley and Wyatt agreed.

A vote was taken: 5 in favour, 3 against and 1 abstention.

Cllrs Moncrieff and Botterill asked for their votes against the proposal be recorded.

DETERMINATION : PERMIT, for the following reasons:

The proposal complies with Melton Local Plan policies OS1 and BE1, but does not meet the identified housing need for the area, which is for bungalows and two bedroom houses, with regards to the NPPF expectations (para 50). The proposed dwelling is 1½ storey with 3 bedrooms, and offers future potential to be used as a lifetime home. It has a similar footprint that would be expected from a bungalow on the plot. It is not of a sufficient size to be considered a large executive house, and conditions can be used to ensure that the Local Planning Authority retains control over any future extensions or buildings at the site.

Therefore, on balance it is considered that the benefits of permission in terms of meeting Policy OS1 and BE1, its sustainable location, lifetime homes and enhancing the Conservation Area are sufficient to outweigh the harm that would arise from the breaching of the objectives of the NPPF in relation to housing need.

The Chair and the Advice and Applications Manager returned to the meeting. Cllr Chandler returned to the Chair.

- (2) **Reference: 13/00254/COU**
Applicant: Mr G Martyn
Location: Red House, 23 Main Road, Nether Broughton
Proposal: Change of Use, with minor internal and external alterations, from Public House/Restaurant, Hotel and Conference facility (mixed A4,C1 and D1) to Residential, Office and Research/Development (mixed C3,A2 and B1)

(a) The Head of Regulatory Services stated that:

No updates to report

Main issues relate to the use of the property for commercial purposes and how this sits in regard to policy, particularly those relating to sustainable development.

The development has a good fit with many Local Plan and NPPF policies but is not considered to be 100% compliant due to the dependency of the site on private transport. However, this concern is considered to be counter balanced by the benefits of the scheme in terms of economic development and the longer term use of the building, and on that basis it is considered that permission should be granted.

(b) Mr Martyn, the applicant, was invited to speak and stated that:

- The proposal is so that the family and business can relocate to a single property
- Their business has strong links locally and internationally
- Would like to expand to deliver small units for rent to small businesses
- The NPPF supports the reuse
- Although it is a loss of a public amenity there is another pub in the village which will probably benefit from the closure of the Red House
- The proposal is for minimal changes to the listed building, but will result in its restoration
- There will be no noise or nuisance created by the new use
- The loss of the Public House is outweighed by the benefits of employment and economic development.

(c) Cllr Orson, Ward Councillor for the area, was invited to speak and stated that:

- Congratulates the officer on their report and agrees with both the conclusion and the recommendation.

Cllr Moncrieff agreed with Cllr Orson, **he proposed to approve the application.**

Cllr Botterill **seconded the proposal to approve the application.**

Members agreed that if there had not been another Public House in the village it may have been more difficult to consider this application. They also agreed that the application meets the NPPF policies.

On being put to the vote the application was approved unanimously.

DETERMINATION: PERMIT, for the following reasons:

The application is considered to have benefit in terms of employment and economic development with insignificant impact on the principal listed building, curtilage listed buildings, residential amenity nor the countryside and as such, although there is a loss of a village facility, it is considered that the balance should be towards granting planning permission.

D10. USE OF S106 FUNDING FOR THE SCALFORD BROOK PLAY AND RECREATION AREA: 05/00496/FUL Windsor Street, Melton Mowbray

The Head of Regulatory Services asked Members to consider the report that had been circulated to Members previously.

The Chair noted that the 10 thousand pounds related to an application passed in 2005 in Windsor Street and the s106 money had to date not been taken up.

Members discussed the proposal for the spending of the money but agreed that the money should be spent closer to the area where the application was approved, thus benefiting the town centre rather than the Country Park. They enquired as to how the project was chosen for the money available.

The Head of Regulatory Services replied that any projects can be put forward for their consideration.

Cllr Simpson **proposed refusal of the application for the money to be spent in the Country Park**, suggesting that the money should be for projects closer to the original application.

Cllr Illingworth **seconded the refusal** agreeing with Cllr Simpson and suggested that other projects should be encouraged to apply for the funds in the town centre.

A vote was taken: 6 for, 3 against and 2 abstentions.

D11. REVISED REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS.

The Applications and Advice Manager summarised the report previously circulated to Members noting that the procedures listed cover every eventuality but will not always be relevant to every application.

Cllr Wyatt **proposed to approved the revisions.**

Cllr Bush **seconded the approval of the revisions.**

On being put to the vote the application was approved unanimously.

D12. DEVELOPMENT CONTROL PERFORMANCE: 2012/13 QUARTER 4 AND REVIEW OF 2012/13.

The Applications and Advice Manager stated the report details the department's performance for Q4 and for the year (2012/13). Areas of good performance include the appeal record, especially Q4, and annually, enforcement and Conservation Area Appraisals. There have been some areas of underperformance but overall performance is considered to be satisfactory. It is considered that performance needs to be monitored going into this year and measures taken if there is no improvement in performance levels.

The Chair thanked the department and congratulated the team especially on the appeal results. She went on to say that considering the resources available the department is to be commended.

The Members thanked the department for all the extra work done this quarter.

The Applications and Advice Manager noted that the County Highways will be giving a briefing on how applications are considered and the process for consultation comments; all Councillors will be invited.

D13. URGENT BUSINESS

None.

The meeting commenced at 6.00 p.m. and closed at 7.00pm.