



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

25 July 2013

PRESENT:

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

As Substitute

Cllr J Douglas for Cllr J Simpson

Observing Cllr: M Twitney

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

D19. APOLOGIES FOR ABSENCE

Cllrs J Simpson and P. Cumbers

D20. MINUTES

Approval of the Minutes of the Meeting held on 4 July 2013 was proposed by Cllr Baguley and seconded by Cllr Holmes. The committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D21. DECLARATIONS OF INTEREST

The Chair noted that all the Councillors had a non pecuniary interest in the applications concerning Council owned land, however only Members who have

sat in Committee meetings discussing their use would have a defined interest.

Cllrs Chandler and Moncrieff declared interests in 13/00175/OUT, 13/00178/OUT and 13/00176/OUT applications as each sat on the CSA Committee that approved the Housing Asset Management Plan; they intended to withdraw from the meeting while the applications were heard.

Cllr Wyatt declared interests in 13/00383/FUL application as he sat on the PFA Committee that debated the site: he intended to withdraw from the meeting while the application was heard.

Cllr Douglas declared an interest in 13/00175/OUT, 13/00178/OUT, 13/00176/OUT and 13/00383/FUL as she sat both on the PFA and CSA Committees.

Cllrs Freer-Jones and Holmes stated that they had been present at these meetings as observers. Cllr Wyatt proposed that Cllr Botterill take the Vice Chair as Cllr Cumbers was absent for the meeting. Cllr Freer-Jones seconded the proposal. The committee voted in agreement.

D22. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00303/FUL
Applicant: Dr Glen Arnold
Location: Rear of Headland Farm, Melton Road, Long Clawson, LE14 4NR
Proposal: Erection of 3 bedroom dwelling with associated garage rear of Headland Farm

The Chair noted that an objector had requested that the application be deferred to allow for them to speak as they could not attend that tonight's meeting.

A Member stated that the objector should be given the opportunity to speak at committee and moved that the application be deferred to allow this. No Member seconded the proposal to defer the application.

Cllr Baguley, Ward Cllr for the area, disagreed stating that the Members had access to the Officer's report that summarised all the objector's representations. She proposed that the application be heard.

Cllr Moncrieff stated that he had visited the site that day as he had not been able to attend the site on Monday as scheduled.

- (a) The Applications and Advice Manager stated that:

This application seeks planning permission for a revised house type, which was approved in October 2011. The site lies in the Village Envelope for Long Clawson.

The application seeks permission to construct a three bedroom property, in line with the previous approval, but with the addition of a single storey side extension. It is not considered that the extension would have an unacceptable impact on the adjoining properties or the character of the area. The application is considered acceptable and is recommended for approval.

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

- No further representation would be made as Mr Gladstone (an objector) was unable to attend the meeting but he would like to draw the attention of the Members to the reason why there had been a change in floor levels proposed. That is, to incorporate a ground source heat pump central heating system.
- He also stated that he had not been notified of the Committee date or the site visit.

The Chair invited comments from Planning Policy.

The Planning Policy Officer replied that although the area of the dwelling had been increased the number of bedrooms had not, he went on to say that although 3 bedroomed properties did not meet identified local housing need the proposal was for a 'lifetime homes' dwelling and a replacement of a 3 bedroomed dwelling with permission on the site,

The Applications and Advice Manager stated that the agent had not been notified due to an administrative error that had now been resolved. The Applications and Advice Manager stated that the ground floor levels were altered purely to enable the introduction of the heating system and not to gain liveable floor area or extra bedrooms.

Cllr Holmes suggested that the application be deferred in order to allow the agent an opportunity to be available for a site meeting.

Cllr Moncrieff stated that the agent had now stated his position and there would be no need to return to the site to hear the same information.

Cllr Botterill agreed and moved to proceed with the application.

Cllr Wyatt seconded Cllr Botterill's proposal.

A vote was taken: 7 in favour of continuing with the application and 3 against.

Cllr Baguley had read the objections and Officer's report. She moved to **approve the**

proposal.

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

A vote was taken: 7 in favour of approval, 0 against and 3 abstentions. Cllr Holmes wished for her vote of abstention to be noted.

DETERMINATION: PERMIT, for the following reasons:

The application site lies within the village envelope of Long Clawson and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of the NPPF in terms of sustainability and housing need. It also benefits from an extant planning permission which is similar in content to the proposal except for an extension proposed to be added to the east elevation. The application is considered to provide adequate access and internal parking/turning arrangements and would not give rise to an unacceptable impact upon adjoining properties.

Cllrs Chandler, Moncrieff and Douglas left the meeting. Cllr Botterill took the Chair at 6.22pm

- (2) **Reference:** **13/00175**
 Applicant: **Melton Borough Council**
 Location: **Garages Behind 2 To 12, Rudbeck Avenue, Melton**
 Mowbray
 Proposal: **Outline application for 7 new dwellings**

(a) The Applications and Advice Manager stated that:

This application seeks outline consent for the principle of residential development on a garage site with all matters reserved. The site lies in an established residential area in the town.

There is a correction to the report on page 7, the third column down states that the site has been cleared which is incorrect. There are no further updates to report.

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The main issue with this application is the impact on neighbouring properties and the character of the area. It is considered that the site is capable of being developed without compromising the existing residential amenities of neighbouring properties. It is not considered that the proposal would have a detrimental impact upon highway safety. Accordingly the application is recommended for approval as set out in the report.

(b) Mr Adkins, an objector, was invited to speak and stated that:

- The main concern is of loss of privacy, due to the land being 3ft higher and therefore development will overlook his property.
- Concerned over the access to the site, as it is only wide enough for one vehicle.
- Concerns over the safety of the public as a public footpath runs through the site.

(c) Cllr Twitney, Ward Councillor , was invited to speak and stated that:

- He is in agreement with the need for social housing.
- Concerns over viability.
- Concerns over vehicle and pedestrian access.
- Understands that many of the garages are currently in use.
- Footpath though the site is also well used.
- Site served by narrow access and has limited visibility due to high fencing.
- Thinks traffic will greatly increase.

Members asked Cllr Twitney whether access is located on a hill.

Cllr Twitney replied that access is not on a hill.

Members asked Cllr Twitney whether anyone has raised any problems about access rights.

Cllr Twitney replied that no one has raised any problems about access rights to him.

The Chair asked if Cllr Twitney had any proof regarding concerns about traffic increases.

Cllr Twitney pointed to a contradiction in the report and suggested that the housing would generate more traffic movement than currently.

Members were surprised that a traffic survey has not been conducted by County Highways.

The Applications and Advice Manager responded to concerns over highway safety stating that County Highways raised no objections: pointing out that they base their comments on what the possible usage could generate considering the number of garages and compared this to the calculated movements generated by the proposal, rather than the sites current usage. She went on to say that there was no evidence to suggest an increase in traffic as a result of the proposal.

The Applications and Advice Manager responded to concerns regarding privacy; stating that levels can be limited by a condition.

A Member recommended deferment due to concerns about the access to the rear of neighbouring homes from the site, stating that there may be legal implications on restricting access to these houses. She went on to say that 2 weeks' notice to quit the garages was not sufficient considering some tenants had used the garages for years.

The Solicitor to the Council advised the Members that access to neighbouring dwellings was outside of their Committee role, she went on to say that access arrangements would be a civil matter and not for consideration at the meeting. She referred to the Constitution which stated clearly the scope of the Members' role.

Members voiced concerns about the traffic assessment by the County Highways department and the narrow access to the site.

Cllr Baguley disagreed stating that as the application was at outline stage issues regarding the access could be considered when full details were submitted. She **proposed approval of application** as it would improve the site adding that a condition regarding the levels should be added.

A Member agreed with concerns over access to neighbouring properties and would like conditions to resolve this feeling it would open up the Council to legal challenges.

The Head of Regulatory Services reiterated the points made by the Solicitor to the Council stating that access to neighbouring properties was not an issue that could be discussed at the Committee.

A Member raised concerns regarding the impact on neighbours due to the loss of privacy and the loss of amenity.

The Applications and Advice Manager stated that the plan was indicative and not the final layout. She went on to state that how the amenity is affected cannot be specified at this point due to the nature of an Outline application.

The Member stated that where ever the houses are on site there will be a loss of privacy to the residents around it.

The Applications and Advice Manager asked for clarification regarding the loss of privacy stating that the indicated separation distances of 21 metres is higher than the current guidance. The Applications and Advice Manager referred to the site plan and noted that Members were being asked if 6 dwellings could be placed on the site in principle, as required at the Outline stage of the proposal.

Cllr Freer-Jones **proposed refusal of the application** stating that however the houses are placed it will still cause loss of privacy and loss of amenity.

The Chair noted that a seconder for Cllr Baguley's proposal was needed first as this proposal was already made and before the Members.

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

The Solicitor to the Council clarified the procedure on determining applications. Stating that Cllr Baguley's proposal was made first; Cllr Freer-Jones' proposal was not an amendment to this proposal and therefore could not be voted on before the first.

A vote was taken: 3 in favour of approval and 4 against.

A Member asked if Members could state planning concerns regarding the access to the site for this type of application.

The Applications and Advice Manager clarified that Members can consider the access in principle but reminded Members that County Highways had not objected to the application.

Cllr Freer-Jones asked that the concerns regarding the access should be added to her reasons for refusal.

The Applications and Advice Manager clarified reasons given for refusal.

Cllr Holmes **seconded the proposal to refuse the application.**

A vote was taken: 4 in favour of refusal and 3 against refusal. Cllrs Baguley, Botterill and Wyatt wished for their vote against refusal to be recorded.

DETERMINATION: REFUSE, for the following reasons:

1. The proposed development, by virtue of the number of dwellings proposed and the constrained site area, would cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity and would be contrary to Policies OS1 and BE1 of the Local Plan and the NPPF.
2. The site is located in an established residential area with a single access road. As such vehicles turning into and out of the narrow access with no provision for vehicles to pass would be a source of danger for road users and pedestrians It is considered that the proposed dwellings utilising the existing access in this location would be a source of danger to vehicles and pedestrians and would therefore be contrary to Policy BE1 of the Local Plan and the NPPF.

- (3) **Reference:** 13/00178/OUT
Applicant: Melton Borough Council
Location: Garage Block Between 60 And 62, Queensway, Melton Mowbray
Proposal: Up to three new family homes on a former residential garage court. Design, layout and materials all subject to reserved matters application.

(a) The Applications and Advice Manager stated that:

This application seeks outline consent for principle of up to three dwellings on a garage site within the town envelope.

There are no updates to report.

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The site is capable of being developed without compromising the existing residential amenities of neighbouring properties. A suitable access, although not fully compliant with the Highways Authority's standards, is available and given its previous use as garaging there would be a decrease in vehicle movements which is considered to be a highway gain and not give cause to have a detrimental impact upon highway safety. Accordingly the application is recommended for approval as set out in the report

Cllr Freer-Jones, Ward Councillor for the area asked if any issues were raised regarding properties surrounding this site.

The Applications and Advice Manager drew attention to page 4 of the Officer's report, section titled 'Impact upon Residential Amenity'.

Cllr Freer-Jones asked if access to the neighbouring properties will be lost as a result of the proposal.

A Member asked whether access issues should have been dealt with before coming to Committee.

The Applications and Advice Manager stated that access to neighbouring properties was not an issue for Members but noted that access had been considered and appears to have been retained on the indicative plan. She reminded members that such access was civil matter and not for consideration by the Committee.

A Member asked if an Outline Application approval could have conditions added to reduce impact of the proposal during construction particularly for sensitive households adjoining the site.

The Applications and Advice Manager suggested that conditions could be added regarding the principle of development.

The Head of Regulatory Services added that as the applicant was Melton Borough Council a condition to reduce the impact of development during construction could be added though in normal circumstances would not normally be added. This could be achieved by requiring a 'method statement' for the proposed works on site which could be prepared in agreement with affected neighbours.

Cllr Freer-Jones **proposed approval of the application** with the condition to reduce the construction impact on neighbouring properties using an agreed 'method statement'.

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

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

DETERMINATION: PERMIT, for the following reasons:

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The site is capable of being developed without compromising the existing residential amenities of neighbouring properties. A suitable access, although not fully compliant with the highways authorities standards, is available and given its previous use as garaging there would be a decrease in vehicle movements which is considered to be a highway gain and not give cause to have a detrimental impact upon highway safety.

Additional condition:

Prior to commencement of development a detailed building method statement for the construction of the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement should include details of HGV movements and construction times in order to ensure the least disruption to adjoining properties. The development shall commence in accordance with the approved method statement.

- (4) **Reference:** **13/00176/OUT**
 Applicant: **Melton Borough Council**
 Location: **Land Opposite 36, Staveley Road, Melton Mowbray**
 Proposal: **Outline application for 1 bed bungalow**

(a) The Applications and Advice Manager stated that:

This application again seeks outline consent on a garage site within the town envelope for the principle of residential development.

There are no updates to report.

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. Again the main issue with this application is the impact on neighbouring properties and the character of the area. It is considered that the site is capable of being developed without compromising the existing residential amenities of neighbouring properties. A suitable access, is available and given its previous use as garaging there would be a decrease in vehicle movements which is considered to be a highway gain and not give cause to have a detrimental impact upon highway safety. Accordingly the application is recommended for approval as set out in the report.

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

- Concerned regarding the loss of privacy due to overlooking, and questions the distance between their home and the new properties.
- Concerned on how far footings are down and how close the property is to their boundary.
- Concerns over the possible loss of well used garages, contrary to the report.

A Member asked the objector about the use of the garages.

The objector stated that they are used as garages and not just for storage.

(c) Cllr Twitney, Ward Councillor , was invited to speak and stated that:

- He was keen to minimise impact on neighbours but bungalows are needed in the area.

A Member asks where the cars that use the garage will go.

Cllr Twitney replied that he does not have that information.

The Applications and Advice Manager replied to Mrs Richardson regarding the loss of privacy, the bungalow is single story and notes that the new window will be facing away from the objectors property.

The Applications and Advice Manager replied to Members concerns regarding the parking, stating that it has been agreed to look into alternative parking arrangements.

Cllr Wyatt **proposed to permit the application**

Cllr Baguley **seconded the proposal to permit application.**

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

DETERMINATION: PERMIT, for the following reasons:

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The site is capable of being developed without compromising the existing residential amenities of neighbouring properties. A suitable access, is available and given its previous use as garaging there would be a decrease in vehicle movements which is considered to be a highway gain and not give cause to have a detrimental impact upon highway safety.

Cllr Botterill left the chair at 7.15pm

Cllr Wyatt left the meeting at 7.15pm

Cllr Chandler and Moncrieff return to the meeting at 7.15pm and Cllr Chandler returned to the Chair.

The Chair thanked Cllr Botterill for taking the Chair in her absence.

- (5) **Reference: 13/00383/FUL**
Applicant: Melton Borough Council
Location: Waterfield Swimming Baths, Dalby Road, Melton Mowbray, LE13 0BG
Proposal: Overflow car park at Leisure Centre

(a) The Head of Regulatory Services stated that:

We have received a strong objection from a feoffee of the Town Estate as follows:

1. In 1984/5, the Melton Borough Council accepted this parcel of land to be landscaped as park land, as part of the overall Priors Close development.
2. The scheme saw a total of 26 trees and 1355 shrubs and ground cover plants, planted by children from 11 local schools (see attachment).
3. The Mayor – Cllr. Derek Sanders on behalf of M.B.C, accepted the landscaping project on the west bank site of Priors Close Garden – by saying “as the plants mature the area will offer a permanent environmental resource for school studies”.
4. Developing the area as an ‘overflow car park’ will have a negative impact on the environment and locality in this Conservation Area.

Comment:

- We have asked for details of restrictive covenants and there is only one – the land must be used for leisure purposes. In any event they are separate issues from the planning application and are not affected by the outcome of the application
- The site is not in a Conservation area nor does it have a nature conservation designation
- Advice has been taken from ecological advisors who are satisfied with the proposal because it does not interfere with the important wildlife corridors in the area – the river and the railway.

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

- Is car park needed – other car parks within walking distance are available.
- Parking on verges can be addressed by siting bollards to stop parking
- The area is described as scrub land in the report, this is subjective
- Would be a pity to lose the area of meadow 200 years old especially as this is 'Year of the Meadow' – 97 % of meadows have disappeared.
- Education for children – different wildlife on site and no environmental survey has been carried out to identify the wildlife affected
- Flash floods affect the area and this development could be affected

The Head of Regulatory Services replied regarding the need for the car park; previous Committees have noted that visitor rates have increased due to improvements at the site, peaking between 4pm – 7pm thus increasing parking need. He advised that this Committee should not be deciding if the public use other car parks instead. Regarding flooding; the site is identified to be outside of the flood zone in the most recent maps released and permeable materials proposed will cause no extra flooding from the development.

Cllr Freer-Jones, Ward Councillor for the area stated concerns regarding: the need for another car park in the town, the character of the area being lost, the conflict with the sustainable policies in the NPPF and the improvements to Burton Street car park negate the need for this car park extension.

The Head of Regulatory Services replied that the impact on the character of the area is subjective but the proposed materials will reduce the impact of the development, the distances to the nearest dwellings are considered sufficient and the proposal supports

the development of a well used facility for the local community. A covenant on the land when gifted to the Borough stipulated that it should be used 'leisure purposes'.

Cllr Botterill agreed with the Ward Councillor and **proposed refusal of the application** as the loss of the meadow would be substantial.

Cllr Freer-Jones **seconded the proposal to refuse the application** as she was not convinced of the need and would not like to lose the meadow.

Members agreed that it would be a loss to the area should the meadow be lost. They felt that the area should be maintained as a meadow and protected as an amenity for the people of Melton. Members suggested that lighting could be improved through the park for public using Burton Street car park instead.

The Head of Regulatory Services asked for clarification of the reasons for refusal.

Cllr Freer-Jones, with Cllr Botterill's agreement, stating that the development would intrinsically detract from the character of the area.

A vote was taken: 7 in favour of refusal and 1 abstention.

DETERMINATION: REFUSE, for the following reasons:

The proposed development would result in the introduction of a hard surface to an area that is currently undeveloped and in a natural state. The development would therefore fail to respect the intrinsic character of the site and the contribution it makes to the wider amenity of the area, and would be contrary to Policy BE12 of the adopted Melton Local Plan.

D23. COMMITTEE UPDATE:
REPORT OF APPLICATIONS AND ADVICE MANAGERS
DEVELOPMENT CONTROL PERFORMANCE 2013/14 (QUARTER 1)

The Applications and Advice Manager presented a previously distributed report regarding the performance of the department for the first quarter of 2013/14.

Members asked about the financial implications of a Judicial Review regarding an Appeal decision in Thorpe Satchville.

The Applications and Advice Manager replied that with advice from the Solicitor to the Council it was agreed that there was no anticipated costs to the Council.

The Applications and Advice Manager updated Members on application

10/00951/FUL; noting that the Inquiry had been adjourned till November by the Inspector.

Officers and Members agreed that more information would have to be released by Government before it can be decided how new measures to evaluate Local Planning Authorities success can be addressed.

D24. URGENT BUSINESS

Following a request from a Member to reconsider whether Monday mornings were the most suitable for site visits, it was agreed that whilst attendances remained good no change should be made.

The Chair reminded Members of site visit protocol, asking that they keep together and do not engage in conversations with applicants/objectors.

The meeting commenced at 6.08 p.m. and closed at 7.50pm.