



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic suite, Parkside

20 October 2011

PRESENT:

P.M. Chandler (Chair)
P. Baguley, G.E. Botterill, J. Douglas
M. Gordon, J. Wyatt, T. Moncrieff
J. Simpson, P. Cumbers and J. Moulding.

Head of Regulatory Services
Applications and Advice Manager (JW)
Solicitor to the Council (ML), Principal Planning Policy Officer (DP)
Administrative Assistant (JB)

D36. APOLOGIES FOR ABSENCE

Cllr J Illingworth

D37. MINUTES

Approval of the Minutes of the Meeting held on 29 September was unanimously agreed to be a true and accurate record. It was agreed that the Chair sign them as a true record.

There were no matters arising from the minutes of 29 September 2011.

D38. DECLARATIONS OF INTEREST

None

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 reports.

D39. SCHEDULE OF APPLICATIONS

(1) Reference: 11/00624/FUL

Applicant: Mr and Mrs Blackburn
Location: Hose Lane Farm Hose Lane Harby LE14 4BJ
Proposal: Installation of 3 ground mounted tracker photovoltaic arrays.

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

This application seeks planning approval for three ground mounted tracker photovoltaic arrays. The photovoltaics are proposed to support the Hose Lane Farm's business providing electricity to the farm and as a diversification project, selling electricity to the national grid. The application lies in the open countryside.

Since publication of the report LCC Ecology has commented saying they have no comments to make on the application.

With regards to the application the main issue is the impact on the open countryside and the impact upon residential amenities. The proposal is considered to be supported by national policy particularly with regards to contributing to the wider aims of encouraging renewable energy. The landscape surrounding the site is considered to be unspoilt, however, it is not one that attracts protection through designation as an international or national designated site. Due to it's the proposed siting of the cells, screening and association with the farm buildings it is considered that the proposal would not adversely impact on the character and appearance of the surrounding landscape or that it is considered that the proposal would adversely impact on highway safety or the amenities of residential properties.

Accordingly the proposal is recommended for approval as set out in the report.

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

- Her views were not that development in rural areas should not be permitted but that visual impacts should be considered.
- Insufficient consideration was given to design and placement of the development resulting in an adverse impact on Hose and the Vale of Belvoir.
- The application is incorrect in saying that the site will not be visible
- The Design and Access Statement is incorrect in assuming that the hedgerows will inhibit views.
- Methods to minimise impact have been given insufficient consideration.
- Roof mounted PVs would be preferable to the ones proposed.
- The site should be further from the road and beyond the poultry farm which would block the visual impact.
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(c) Tony Lee, the applicant's agent, was invited to speak and stated that:

- The small scale renewable energy system was a tracker facility that would move with the Sun's rays and therefore be 25% more efficient
- The siting of the PVs near the buildings is to lessen the impact on the open countryside
- The height of the PVs are lower than the ridge height of the nearest buildings

- The hedges around the site could be allowed to grow to help block the view to the site
- The Planning Officers found that there was no negative impact visually.

(d) Cllr Rhodes (one of the Ward Councillors) was invited to speak and stated that:

- Noted that there is a clear steer from the Government to approve renewable energy production
- However the siting of proposals has to be carefully considered
- This tracker system is one of the first proposed in the area
- The site is quite near to the road and believes it could be visible from the roadside and Hose over the hedge.
- The landowner has different sites available and should consider others.
- The decision should be deferred in order to allow more time to seek a change of site.

The Applications and Advice Manager replied to points raised by Mrs Fountain stating that the Design and Access Statement was considered carefully. She drew attention to the officers report, paragraph 15 which states that the proposal will be visible but that is not of sufficient impact to be deemed harmful. In replying to Cllr Rhodes it was noted that deferment of the decision in favour of an alternative site was not an option as the Committee was considering the application in front of them. An alternative site would have to be considered under a new application.

(e) Cllr Baguley (one of the Ward Councillors) stated that it was difficult decision to make as the PVs were large, but that landscaping could be used to mitigate their impact.

The Applications and Advice Manager stated that a condition could be added to require a landscape scheme to be submitted before commencement.

Cllr Botterill commented that electricity costs are a burden to the economy and people. He welcomed the opportunity for the farmer to produce electricity and reduce their CO² footprint. He believes that Members will see many more applications of this type and that there is too much reliance on fossil and nuclear fuels. Cllr Botterill proposed to permit the application with the inclusion of a condition regarding the landscaping to mitigate the visibility issues.

Cllr Cumbers seconded the proposal agreeing with the additional condition. She added that she also felt there would be many more applications of their type.

Cllr Moncrieff agreed with Cllr Botterill regarding the problems of electricity production but is wary about the size of the PVs, he noted that appropriate landscaping would help reduce their impact visually.

The Chair added that poultry units use a lot of electricity and it is good sense to generate your own. She asked for confirmation regarding the landscaping requirements from the applicant.

Cllr Botterill stated that he believed that the hedging should be allowed to grow to 15feet high in order to produce more screening without over-shadowing the development.

Members agreed as allowing the hedging to grow around the boundary of the field should suffice.

Cllr Cumbers pointed out an amendment required in Condition 3.

The Applications and Advice Manager replied that the Condition will be amended to read 'Photo Voltaic' rather than 'turbines'.

A vote was taken. 9 voted in favour and 1 abstained.

DETERMINATION : Permit, Subject to the conditions in the report and additionally:

- (a) Amendment to condition 3 to refer to photo voltaic cells and
- (b) An additional condition:

No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of planting and future maintenance of boundary hedgerows to a height of not less than 4m, together with the species proposed and their disposition and the timetable for their planting in relation to the development hereby approved. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority. The landscaping scheme shall subsequently be implemented in accordance with the approved details.

For the following reason:

The proposal is considered to be supported in terms of very broad principles by national policy as contributing to the wider aims of encouraging renewable energy. It is also considered that the proposal will not adversely affect the character and appearance of the area or the setting of the nearby Conservation Area or Listed Building. Furthermore the proposal will have no significant adverse impact upon the amenities of neighbouring properties or highway safety.

David Pendle, Principal Planning Policy Officer left the meeting.

**(2) Reference: 11/00080/FUL
Applicant: Nottingham Community Housing Association
Location: Oakham Road, Somerby (behind Medical Centre)
Proposal: Erection of 7 affordable dwellings**

(a). The Applications and Advice Manager (JW) stated that:

This application seeks planning permission for the erection of seven affordable dwelling. The site lies outside the village envelope in an area of designated open countryside and as such the application has been applied for as a 'rural exception site'. The application is proposing 5 units for affordable rent and 2 units available for shared ownership.

There is an error in the conditions in the report on page 13. Condition 8, 9, 11, 12, 13 and 14 should be deleted as they are not relevant as the scheme is not proposing the adoption of the highway. The application is proposing that the development remains a private driveway and therefore these conditions are not reasonable or necessary.

The main issues with regards to this application is the impact on the character and appearance of the area, highway, flooding and neighbouring properties. The layout has been designed to reflect a farmhouse and outbuildings arrangement set in a courtyard and the dwellings include features typical of the village of Somerby. Due to its location the site does not have a definitive frontage however, it is considered that the benefits gained by the proposal would outweigh any potential harm to the area. The scheme has been designed to a high standard and subject to suitable landscaping it is considered that the proposal would not have a detrimental impact on the character and appearance of the area. The development is not considered to have an adverse impact on highway safety and the design and layout ensures that the proposal would not adversely impact on the occupiers of the properties or the surrounding residential amenities. Concern has been expressed with regards to flooding, however, the scheme is required to comply with the Code for Sustainable Homes level 3 which requires that there is no increase in water run off from the site once the development has taken place. A condition can be imposed to ensure the most suitable methods of Sustainable Urban Drainage is implemented. It is not considered that the development would create drainage problems.

Accordingly the proposal is recommended for approval as set out in the report.

(b) Catherine Hogg, on behalf of Emma Kehoe-Long, an objector, was invited to speak and stated that:

- The number of new houses proposed and their vicinity to existing houses was a concern
- Flooding continues to be a problem in the village and additional housing will only make this worse
- This part of the village has a disproportionate amount of development and particularly social housing
- Policy H8 in the Local Plan seems to be contradicted
- It is understood that affordable houses need to be built but the number and siting is a concern

(c) Elaine Swithard, project manager for the applicant, was invited to speak and stated that:

- The housing numbers reflect the findings of a recent housing survey and MBCs own figures for affordable housing.

- A section 106 agreement would stipulate that all the units would only be available to people with ties to the local area.
- The proposal is in accordance with the Local Plan
- Flood risks are to be mitigated and sewerage issues addressed in the proposal

(d) Cllr Orson, speaking on behalf of Cllr Barnes (the Ward Cllr) was invited to speak and stated that:

- Both he and Cllr Barnes were impressed with the public consultation undertaken by the applicant.
- General comments have been positive, particularly regarding the design
- Flooding is currently a problem but this proposal will help reduce the problem as new drains will be built.
- There is sympathy for the immediate neighbours who seem to be receiving more development than other parts of the village and that mixed development is always more welcome.

The Chair confirmed that Cllr Barnes had spoken with her and discussed previous flooding issues and also the fencing of the gardens which it was felt could be improved so as not to impact on the open nature of the rural area.

The Applications and Advice Manager responded to issues raised;

- Noting that flooding is discussed on page 5 of the report specifically that the proposed housing will have to conform to stringent requirements for control of water run-off from the site. Also the applicant has agreed to make considerable improvements into the drains to the site.
- The site is considered to be better positioned than others available even though it is at the edge of the village and is well designed
- The site is close enough to the village to maintain cohesiveness.
- In reply to the Chair, a condition requiring appropriate fencing could be added.

The Chair enquired about the street lighting on the unadopted road and asked if there had been any discussion about the levels proposed. Lighting levels would be important to avoid accidents.

The Applications and Advice Manager agreed that lighting was important so as not to add too much into a rural area while giving visibility for safety of the occupants. Low level lighting could be used within the site.

Cllr Moncrieff asked if the status of the road might lead to unexpected maintenance costs in the future for the occupants he also agreed that it was useful to restrict occupancy to local people (or those linked to the local area).

The Applications and Advice Manager pointed the Members to Condition 18 regarding the occupancy conditions. The Housing Association would be responsible for the maintenance of the road and not the occupiers.

Members discussed the different types of lighting available to reduce the impact on the rural area.

The Applications and Advice Manager agreed that lighting was important and suggested that low level lighting could be used within the site.

Cllr Simpson asked about the responsibility of waste collection on an unadopted road.

The Applications and Advice Manager replied that the Housing Association was responsible for these matters.

Cllrs asked about the status of the unadopted road in the event that the properties were bought and the likelihood of such a sale.

The Applications and Advice Manager reminded the Members that Condition 18 restricts the ownership of properties in perpetuity. Should a change in this condition be sought then a new application will have to be made. The Condition will stay with the land not with the applicant should the applicant sell their interests in the site.

Cllr Baguley was happy with the design and scheme proposed approval of the application with a condition to address boundary treatments and lighting.

Cllr Cumbers seconded the proposal.

Members discussed the fence treatment and the Officers confirmed the current proposals, it was agreed that a condition regarding the boundaries should be added.

The Applications and Advice Manager noted that some conditioned to be removed that are stated in the report, namely: 8, 9, 11, 12, 13 and 14.

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

DETERMINATION : Permit, subject to the conditions in the report, with the exceptions of those numbered 8, 9, 11, 12, 13 and 14, and additional conditions as follows:

13. No houses shall be occupied until the development is provided with external street lighting in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority

14. Notwithstanding the details shown on plan no. 1843/P03H, the boundary treatment denoted is not approved. Revised details of boundary treatment shall be submitted to and approved by the Local Planning Authority and shall be installed in accordance with the approved details prior to the occupation of any the dwellings.

For the following reason:

The application seeks consent for 7 Affordable dwellings on a site that lies outside of the village envelope for Somerby. The site is to be considered as a rural exception site as advocated within OS2 and PPS3. The proposed

development has been design to have limited impact on adjoining properties and the internal layout is sufficient so as not to adversely affect the future occupant of the dwelling units. The overall scheme has been design to be sensitive to its rural surroundings with the design of the courtyard arrangement having been taken from other development within the village centre.

The scheme will go some way to providing the much needed affordable housing in the Borough, in particular help alleviate the affordability problem within the 'rural south', and has full support of the Housing Policy Officer. There are wider benefits to be again from the scheme and it will help to achieve the Council's corporate objectives in providing for Sustainable Communities.

Cllr Wyatt left the meeting, explaining that he had commented on the following application in a manner that could be perceived as pre-determination.

(3) Reference: 11/00632/FUL
Applicant: Mr Glen Arnold
Location: Culfers Hey, 2 Melton Road, Long Clawson, LE14 4NR,
Proposal: Erection of 2 dwellings to include 1 two bed cottage and 1 three bed timber frame home with associated garage.

(a) Head of Regulatory Services stated that:

The application almost identical to that considered by the Committee on 16th June. The only difference is that the position of the 3 bedroomed dwelling (behind Headlands Farm) has been positioned 3.9m from the boundary when previously it was 1.7. This has been done in an attempt to address the previous reason for refusal, and the key issue for the Committee is whether – in its judgement – this change is sufficient.

Members had been contacted by objectors raising a series of other issues – drainage, house size, 'garden grabbing' and drainage amongst them. These issues remain relevant to the application and as such feature in the report but advised that they are not affected by the amendments made and therefore there is no basis to conclude on them differently from your conclusions in June.

There is an error at top of page 7 - the word NOT missing from the narrative in bold. Should read: *The recent refusal did not result from the proposal having a detrimental impact upon the character of the area and it is considered that this amended application could NOT be refused on that ground.*

(b) Graeme Gladstone, an objector, was invited to speak and stated that:

- There are several issues that are of concern not just the proximity to neighbours

- At the previous meeting the Chair stated that she did not agree with 'backland' or 'garden grabbing' development and this is still development of that kind.
- The proposal will dominate his property.
- The hedging and trees to be removed will add to the impact of the proposal.
- The 3 bedroom dwelling will harm the outlook from his house.
- There is substantial traffic already on the corner and this will make it worse.
- There is little requirement for 3 bedroom properties.
- The development will damage the area.

(c) Mr Richard Cooper, the agent, was invited to speak and stated that:

- The revised application addresses the previous grounds for refusal.
- The floor levels have been reduced and the eave height is comparable with the fence.
- The proposal is for a 1 ½ storey dwelling and will not overlook the neighbour.
- Additional planting will mitigate views to and from the site.
- The size of dwelling addresses the need for smaller dwellings in the village.

(d) Cllr Rhodes, a Ward Councillor, was invited to speak and stated that:

- He is opposed to the proposal.
- Although further away the development is still along the boundary and will overlook the neighbours grounds.
- The proposal will impact on the neighbour's house due to the shape of the plots the houses are on.
- It is backland development and therefore not appropriate.
- Gardens should not be developed and there is no reason for approval of this proposal.

Head of Regulatory Services advised that the current application has to be considered only on the grounds that it was previously refused, ie the proximity issues.

Cllr Baguley, Ward Councillor for the area sympathised with Mr and Mrs Gladstone and although not in favour of development in gardens the dwelling will help meet local needs for smaller houses. The revised application mitigates the previous reason for refusal.

Cllr Moncrieff asked for confirmation of the housing needs for the area.

Principal Planning Policy Officer referred to the Councils report on Housing and stated that there is a need for smaller houses which is not currently being met.

Members discussed the visit to the site that day agreeing that the repositioning of the 3 bedded dwelling was an improvement and although it produces an increase in housing density there is a need for this size dwelling in the village.

Cllr Moncrieff believes that with proper screening that the development is satisfactory and proposes to approve the application.

Cllr Simpson seconded the proposal.

The Applications and Advice Manager pointed out that Condition 3 relates to landscaping and will increase the screening between the properties.

Cllr Wyatt returned to the meeting.

A vote was taken: 7 in favour of permission and 2 abstentions.

DETERMINATION : Permit, subject to the conditions in the report, for the following reason:

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 PPS3 in terms of sustainability and housing need. Detailed issues of access and drainage have been addressed by the applicant and can be overcome by the use of conditions.

The amended application is considered to be an improvement upon the recently refused application in terms of impact upon residential amenities. The siting of the dwelling, away from the boundary coupled with the low ridge and eaves height, will ensure that there will be no loss of residential amenity upon no. 1 Hickling Lane. The access and internal parking/turning arrangements have not been altered from the previous application which were previously considered to be acceptable.

**(4) Reference: 11/00687/VAC
Applicant: Mr Stefan Wippich
Location: 3 Hickling Lane, Long Clawson, Melton Mowbray,
LE14 4NW
Proposal: Removal of personal planning condition**

The Chair stated that Mr Gladstone, neighbour to the applicant, asked that Members might defer the application in order that he may prepare a statement of objection.

Cllr Simpson agreed that the situation was unusual and warranted a deferral on this occasion. Cllr Simpson moved to propose deferral of the application.

Cllr Gordon seconded the proposal.

~~A vote was taken: 7 in favour of refusal, 2 against, 1 abstention.~~

DETERMINATION : Defer the application, to allow the objector a longer period in which to prepare his representations.

**(5) Reference: 11/00516/VAC
Applicant: Mrs Juliet Keep
Location: 17 Beechwood Avenue, Melton Mowbray**

Proposal: To remove condition 4 attached to planning permission 06/01149/FUL requiring a window to remain closed.

(a). The Applications and Advice Manager (JW) stated that:

This application seeks to vary a condition which restricted a first floor bathroom window to be obscure glazed and non opening. The window in place has a top opening section only and it considered that subject to a suitably worded condition to ensure that the window remains obscurely glazed and the only the top light can be opened the proposal would not adversely impact on the neighbouring property. There are no updates to report and the application is recommended for approval as set out in the report

The speaker scheduled declined to speak.

Cllr Cumbers believes that bathroom windows should be able to be opened and moved to permit the application.

Cllr Moncrieff seconded the proposal.

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

DETERMINATION : Permit, subject to the conditions in the report, for the following reason:

The site lies within the town envelope and is therefore in a location which benefits from a presumption in favour of development under policy OS1. It is considered that the removal of the condition to allow the top opening bathroom window to be opened would not have a detrimental impact upon the living conditions of number 19 Beechwood Avenue due to the height of the top opening light. The proposal is therefore considered to comply with Policy OS1 of the Local Plan

D40. DEVELOPMENT CONTROL PERFORMANCE 2011/12 (Q2) :

(a). The Applications and Advice Manager (JW) stated that:
Q2 performance is being satisfactorily maintained. There have been some significant changes in the authority and changes within the teams and the staff should be commended for their work and efforts throughout this period. The enforcement figures for Q2 are above target and again these have been delivered in a time of changing working practices.

The Chair thanked the Department for their performance in the last quarter.

D41. EXEMPT MINUTES

Approval of the Exempt Minutes of the Meeting held on 29 September was proposed by Cllr Baguley and seconded by Cllr Botterill. It was unanimously agreed by the Cllrs present at the meeting on the 29 September that the Chair signed them as a true record.

D42. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.05 p.m. closed at 7.25 p.m.

Chairman