

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 30 April 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors** P. Posnett MBE (Vice-Chair) P. Chandler  
P. Cumbers J. Douglas  
P. Faulkner L. Higgins  
E. Holmes J. Illingworth  
M. Steadman P. Wood

**Officers** Assistant Director of Planning and Delivery  
Planning Development Manager  
Locum Planning Solicitor  
Democratic Services Manager  
Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's introduction</b></p> <p>The Chair welcomed everyone to the second Planning Committee meeting held by remote video conference. She introduced Members and Officers as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment. Also should the meeting not have ended by 8 pm there would be an adjournment for 5 minutes to allow those present to take part in the Clap for our Carers campaign to applaud and recognise NHS staff on the frontline against coronavirus.</p> <p>She advised that the meeting would be recorded and live-streamed on You Tube.</p>
PL197	<p><b>Apologies for Absence</b></p> <p>There were no apologies for absence although due to network connection issues, Councillor Chandler joined the meeting during consideration of application 19/00707/FUL at 6.37 pm</p>
PL198	<p><b>Minutes</b></p> <p>(a) It was noted for correction that at minute PL189 there was a mis-spelling of Councillor Cumbers' name and at minute PL193, application 19/00707/FUL, the ward mentioned in the report had been Sysonby and not Newport.</p> <p>(b) Subject to the foregoing, the minutes of the meeting held on 9 April 2020 were confirmed and authorised to be signed by the Chair.</p>
PL199	<p><b>Declarations of Interest</b></p> <p>Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Minute PL203 - Application 20/00192/FUL</u></p> <p>Councillor Holmes reported that she was acquainted with a neighbour to the property in question at Belvoir Road, Ab Kettleby and she questioned whether she had an interest. The Solicitor advised this was not an interest.</p>

PL201 **Application 19/00707/FUL**

<b>Reference:</b>	19/00707/FUL
<b>Location:</b>	Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray
<b>Proposal:</b>	Construction of new dwelling

The Assistant Director for Planning and Delivery addressed the Committee and provided an updated summary of the application. It was noted that the application had been deferred at the last meeting held on 9 April 2020 to allow further opportunity for members of the public to make verbal representations to the Committee.

Mr Worley further stated

- an additional representation, including photographic evidence, had been received since agenda despatch which related to the siting of the caravan
- the following issues had potentially breached planning control (including the additional representation mentioned above) and these were grouped into 3 areas as follows:
  - Concluded  
Siting of caravan – no enforcement action as no evidence of significant harm  
Use of stables as commercial livery - closed as no evidence
  - Ongoing  
Excavation of pond behind St Leonards Close – this matter was expected to be concluded soon  
Excavations a few weeks ago - discussions with the Legal Team were ongoing
  - Early stages  
Condition relating to glazing of 2 St Leonards Close  
Siting of caravan (new case received that day)

He further stated that all planning applications were considered on merit, policy position and effects. The above matters did not affect the proposed application however no matter what the decision made, they would remain as issues to be followed up. With regard to conditions, these are defined in law to regulate development and therefore with regard to this development can only affect the house under consideration, they cannot be used on peripheral or detached issues.

A Member stated that during this Covid-19 pandemic, the Council did not have the resources to undertake extra investigations and requested that rules be followed and the planning system should not be undermined.

There was a query as to the metal sheeting roof and whether this was recycled material. It was noted that this was a question for the agent.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council’s Constitution in

relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Alex Wood, Objector on behalf of residents on Chetwynd Drive (shared time allocation with Mr Evans)
- Richard Evans, Objector on behalf of residents on St Leonards Close

It was asked whether Mr Evans knew whether the pathway adjacent to the site was a footpath or bridleway and Mr Evans believed it was a footpath only.

When asked what Mr Evans would like the Committee to consider, Mr Evans responded:

- road access to be resolved before construction goes ahead particularly the southern access through the gate
- the livery stables and caravan were adding to the obstruction of the footpath also to have these resolved before construction goes ahead
- the footpath to be made safe and accessible to the public
- strict conditions around construction activity
- avoid any further development on the site
- existing sewage connection was already overloaded and this development would make the situation worse

It was noted that Planning Officers would be asked to respond on whether these matters could be subject to conditions before the debate.

- Richard Cooper, Agent, HSSP Architects

Mr Cooper responded to a query as to how timber involved in the construction stored carbon, and he advised that trees took in carbon as they grew and bricks for example required input of carbon during manufacture. Also he responded that although the metal roof would be new, it could be reused at the end of the building's lifespan.

*(Councillor Chandler here entered the meeting at 6.37 pm)*

The Assistant Director for Planning and Delivery responded that Members could add a condition to make access to the site via Riverside Road only. The sewage was connected to the mains and therefore did not relate to the overloaded system referred to. The caravan issue had been concluded but may recently have been re-opened due to new evidence being promised. Ownership could not be conditioned nor could prevention of future applications. It was to be noted that conditions were to limit effects of the proposal and not on surrounding issues.

During discussion the following points were noted:

- Members could determine whether Riverside Road was allocated as the access road to the site
- It was felt that the harm outweighed the benefits to build on the site
- There were reservations as the increase in traffic movement could be up to 2000 journeys per year using 3 cars

- There was a proposal to defer pending a further opportunity for a site visit as several Members had had difficulty in gaining access to the site. It was felt to be important to view the site due to the public interest on the application
- The seconder agreed and felt there was also a need to know whether the public route adjacent was a footpath or bridleway and the application should be deferred until this was also resolved
- Although the application complied with policies SS1 and SS1 and no objections had been received from the Highway Authority, it was felt that a further site visit was required and there was support for deferral until this had taken place
- There was concern as to whether vehicles could access the site
- Two Members felt they had enough information to make a decision as they had already visited the site
- Concern was raised as to the legality of a vehicle across the field access acting as a gate
- It was felt that there were unresolved issues and too many unanswered questions therefore Members were right to defer before determining the application

Councillor Chandler proposed deferral to allow for a further site visit and to consider issues around the public footpath and legality of the use of the bridleway as the means of access. Councillor Holmes seconded.

### **RESOLVED**

That application 19/00707/FUL be **DEFERRED** to allow for a further site visit and to consider issues around the public footpath and legality of the use of the bridleway as the means of access.

(10 in favour, 1 against)

PL202

### **Application 19/00606/FUL**

<b>Reference:</b>	19/00606/FUL
<b>Location:</b>	Land adjacent 25 Mill Lane, Frisby on the Wreake
<b>Proposal:</b>	Construction of new dwelling

The Planning Development Manager addressed the Committee and provided a summary of the application. In response to Member concerns, she referred to the comments from the Environment Agency in Appendix A of the report regarding flooding and appropriate conditions recommended, which would bring improvements in this area. The proposal as submitted was for 3 bedrooms at the first floor with master suite and a further fourth bedroom to the ground floor.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Councillor Alex Warwick, Frisby Parish Council
- Jim Burrows, Objector (shared time allocation with Mr Pingue)
- Antonio Pingue, Objector

It was noted there was an existing right of access to the property.

- Natalie Koromila, Applicant

It was noted that the applicant intended to improve the existing planning permission and felt the constraints of the site and flood risk were outweighed by the opportunity to build a family home.

- Councillor Ronan Browne, Ward Councillor

The Planning Development Manager explained that there was extant planning permission on the site for a larger building. This application was smaller and an improvement on the existing permission and provided a better outcome for the locality in terms of materials and conditions requesting improvements to surface water drainage and flooding resilience. Should this application not be approved, the applicant could continue building on the extant permission immediately.

She further advised that the previous application had been approved under delegated powers and there had been a history of permissions on the site from a 2 bed bungalow to a dormer bungalow then a house approved in August 2017 and subsequently amended in 2018, which together formed the current permission. It was noted that the report set out the history of the site.

The Solicitor explained that the site already had extant planning permission for a house and the Committee needed to determine if this application was a better offer than the existing.

During discussion the following points were noted:

- It was noted the principle of development was established before the Neighbourhood Plan was approved and a Member felt the application should be determined on current policies, not on the history of the site

*The meeting was adjourned at 8 pm for 5 minutes to allow those present to take part in the Clap for our Carers campaign. The meeting reconvened at 8.05 pm.*

- Several Members felt that as it was a flood area they could not support the application, there was also concern at the number of bedrooms
- Other Members felt that this application was an improvement on the current permission and felt it was logical and consistent to approve it and therefore approval was moved
- The motion was seconded however should it have been a fresh application the Member felt it may not have been proposed for approval due to the neighbour concerns and potential for flooding

Councillor Illingworth proposed the recommendation in the report and Councillor Higgins seconded.

## RESOLVED

That application 19/00707/FUL be **APPROVED** subject to conditions and for the reasons listed below.

(6 in favour, 5 against)

(Councillors Chandler, Cumbers and Holmes requested that their vote against this application be recorded.)

## REASONS

The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Frisby on the Wreake is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

The proposed dwelling sits mainly within the limits to development within the Neighbourhood Plan as identified within Policy H3 of the Neighbourhood Plan. The application is a revision to a number of previous and **extant planning permissions** on the site for the development of one dwelling. As such, **the principle of development is established** subject to appropriate design and appearance and other material planning considerations.

The access and parking is deemed acceptable, Network Rail have no concerns subject to conditions, there would be no adverse impact upon the adjacent public footpath and sufficient residential amenity is safeguarded for the adjacent property and the future occupiers.

Whilst the Environment Agency state the application is contrary to the NPPF and should not be permitted, it is also acknowledged within their response that the permission for one dwelling on the site is in place. Given that this development is similar to the previous extant planning permission, it is considered acceptable on grounds of flooding subject to conditions and mitigation measures outlined within the submitted Flood Risk Assessment.

The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets given the similarities to the previously approved scheme in terms of height and scale, however the new design, materials and appearance proposed within this scheme is considered to be of higher quality.

PL203

### **Application 20/00192/FUL**

<b>Reference:</b>	20/00192/FUL
<b>Location:</b>	Rear of 1 Belvoir Avenue, Ab Kettleby
<b>Proposal:</b>	Full planning application for the erection of bungalow to the rear of 1 Belvoir Avenue (amended scheme)

The Planning Development Manager addressed the Committee and provided a summary of the application.

Members requested the distances between the proposed development and the nearest neighbouring property and it was noted there would be in excess of 16 to the rear of no. 3 Belvoir Avenue.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a four minute presentation:

- Robert Love, Objector

Mr Love was not present, however the Chair read out his representation which had been previously circulated to the Committee.

- Robin Taylor, Agent

The agent confirmed that the existing 6 feet boundary fence would be removed as it was not lawful.

- Councillor Joe Orson, Ward Councillor

During discussion the following points were noted:

- It was felt that the impact of the design was too tight and did not meet the Council's test and could not be supported
- A Member felt that it met local need although there were issues and a permeable driveway was requested rather than tarmac. The Planning Development Manager advised that this could be included in the conditions
- It was noted that there was demand in villages for 1 bed bungalows but felt if it was approved permitted development rights should be removed
- It was questioned whether the development had been improved enough from the previous submission
- There was a proposal for refusal on policy D1 relating to the impact on amenity to neighbouring properties being compromised and inadequate design. The motion was seconded.

*In accordance with the Constitution, at 9 pm, there was a motion to continue the meeting beyond the 3 hour threshold and Members voted unanimously to continue the meeting.*

- It was requested that Policy D1(b) be added to the motion as a reason to refuse.

Councillor Higgins proposed to refuse the application and Councillor Posnett seconded due to the impact on neighbours, inadequate design and policy D1; the design not reflecting its surroundings.

**RESOLVED** that, contrary to the officer recommendation,

Application 20/00192/FUL be **REFUSED** for the following reasons that should also include the now adopted Neighbourhood Plan.



The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policies D1 of the Adopted Melton Local Plan 2011-36 and H3 of the Ab Kettleby Neighbourhood Plan 2019.

The proposed dwelling, by virtue of its scale and design, would fail to reflect the style of the surrounding development and contribute to the local distinctiveness of the area. It is therefore contrary to Policy D1 of the Adopted Melton Local Plan 2011-36 and H4 of the Ab Kettleby Neighbourhood Plan 2019.

(9 in favour, 1 against, 1 abstention)

PL204	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 9.04 pm

Chair