

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 9 MAY 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, N Smith and M B Wyatt

In Attendance: Councillors T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr A Mellor, Mr J Newton, Miss S Odedra and Ms R Robinson

121. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Boam and M Specht

122. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor D Harrison declared a non-pecuniary interest in the meeting as a newly elected Member of Leicestershire County Council.

123. MINUTES

Consideration was given to the minutes of the meeting held on 4 April 2017.

It was moved by Councillor J Legrys, seconded by Councillor R Johnson and

RESOLVED THAT:

The minutes of the meeting held on 4 April 2017 be approved and signed by the Chairman as a correct record.

124. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

**125. A1
17/00174/REM: ERECTION OF ONE SELF BUILD DWELLING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 16/00612/OUT)**

Land At Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor J Legrys

RESOLVED THAT:

The application be permitted in accordance with the Head of Planning and Regeneration.

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126. A2
17/00312/FUL: RAISING OF ROOF HEIGHT TO CREATE A SECOND FLOOR
(REVISED SCHEME)

Elm Cottage 28 Hill Street Donisthorpe Swadlincote Derby DE12 7PL

Officer's Recommendation: REFUSE

The Planning and Development Team Manager presented the report to Members.

Mr R Sutherland, applicant, addressed the meeting. He informed Members that the planned extension would transform the property whilst blending in with the surrounding area and would address inadequate insulation in the property. He highlighted to Members that the village had a mix of dwellings with no trend with regards to design, the property was not listed or in a conservation area and that the neighbours were in full support of the proposed development. He stated that the existing house was in a dip below the driveway, and that he intended to use reclaimed bricks and the original roof tiles. He advised Members that the property had been brought as a family home with a large garden for the family to enjoy. As personal circumstances had changed the family now required more living space to enable care to be given to a family member and for Mr Sutherland's daily treatment following an injury that he had sustained during active service, but they did not want to lose part of the garden. The proposed extension would give a bedroom and bathroom, which a side extension would not, and would provide work to local businesses. Another home nearby has permission for a similar extension.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor J Legrys.

Councillor D Harrison stated that he had been moved by the speaker. Members had noted that, once built, the materials would not match, but the Committee had noted that existing materials did not match, and that was not uncommon in the wider area. He felt that the application was a genuine family need and more consideration should be given to the applicant's needs. In his opinion the proposal was not an outrageous planning breach. He did not think that the proposed increased height of the property outweighed the freedom and benefit to the family, and that he would vote in favour of granting permission.

Councillor J Bridges congratulated officers on the report and understood the reason for recommending that the application be refused. He stated that upon listening to the speaker, he felt that, with the right conditions imposed, the property could be sympathetically extended. He stated that the application would benefit the family and on the basis that necessary conditions were imposed he was in favour of the application and, as such, would be voting against the officer's recommendation.

Councillor J Legrys stated that Members were between a rock and a hard place as officers had bent over backwards to help the applicant which was to be commended. His concern was in respect of design and felt that if the applicant and officers were to further discuss the application a solution could be found.

Councillor D Everitt stated that if the proposed extension had been a side extension then it would not have been an issue. However, as the proposed extension was upwards if granted planning permission and built, the property would be higher than other properties in the area. In his opinion he had not heard why the property could not be developed by way of a side extension. He felt that, having been out on the site visit and seen the property, the front door had been blocked up unsympathetically. He felt that the Committee should stick with the officer's recommendation in the hope that a more suitable proposal could be submitted and considered.

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Councillor M B Wyatt felt that it would be wrong to refuse the application as there was a genuine family need and, as such, should be supported.

Councillor R Canny said that she, too, had been moved by the applicant's comments and stated that she was a long term hater of developing in gardens and was therefore in favour of the proposed development. She stated that the applicant's personal circumstances had changed hence the application. She would be voting against the recommendation.

Councillor G Jones stated that he endorsed the comments made by Councillors J Legrys and D Everitt. He felt that the extension would detract from the street scene and that a side extension would be better than the proposal to raise the roof height to create a second floor

The Head of Planning and Regeneration advised the Committee that the design and appearance of the application was of concern to the Council, and that this was one of the reasons why the application had been recommended for refusal.

Councillor D J Stevenson stated that he had listened carefully and felt that building out and taking away good garden land was a planning matter. He felt that in the location the additional height would not be noticeable. He added that the proposed development may not be the cheapest option, but it was the best option for the family.

The motion to refuse the application was put to the vote and LOST.

It was moved by Councillor J Bridges and seconded by Councillor D Harrison that the application be permitted subject to the imposition of conditions relating to materials on the ground that the proposed development did not significantly or detrimentally change the appearance of the property, it ensured the garden area would remain, in an area that was in the heart of the National Forest and would ensure that the property would remain sustainable by securing improved loft insulation.

RESOLVED THAT:

The application be permitted, with the imposition of conditions, to be delegated to the Head of Planning and Regeneration.

127. 5. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT LAND AT MEASHAM ROAD, APPLEBY MAGNA
Report of Head of Planning and Regeneration

Officer's Recommendation:

The Planning and Development Team Manager presented the report to Members.

In response to a question from Councillor D J Stevenson, the Affordable Housing Enabling Officer advised Members that this had been a long drawn out application but the solution before them was the best option. She stated that the site was one of three in the village and that the other two developments were providing affordable housing in the form of low cost home ownership and an offsite commuted sum payment. She informed Members that in accepting a reduced number the affordable housing on this site the homes would be provided at an affordable rent which would help to secure a balanced mix of affordable homes to suit different needs across the current developments in the village. She also informed Members that the one and two bedroom properties provided would also meet the identified affordable need in the area. While Officers had hoped to secure a better mix of

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affordable housing on this particular site circumstances have prevented this and having some units, as would be the case if this application was granted, was better than having nothing.

In response to a question from Councillor J G Coxon, the Affordable Housing Enabling Officer advised Members that the mix of units would be 4 no. 1 bed maisonettes and 3 no. 2 bed houses.

Councillor J G Coxon stated that he did not agree with the 1 bed units.

Councillor D J Stevenson stated that the 1 bed homes had been requested due to the need in the area.

Councillor R Adams sought assurance that the homes would be occupied by people on the District Council's waiting list. The Affordable Housing Enabling Officer confirmed this would be the case.

Councillor D Harrison expressed concerns over the number of reports that the Committee was having to consider in regards to amending affordable housing obligations, and that it would continue if the Council agreed to the amendments each time, adding that it made a mockery of the Council's stance on affordable units. He stated that he knew the site in question and that there were substantial 5 bed houses, but affordable housing was much needed. He proposed that a premium of £5 - £10k should be paid to the Parish to stop the constant change to consents once they had been given.

The amendment to the motion, as proposed by Councillor D Harrison, was not seconded.

The Head of Planning and Regeneration informed Members that the rules surrounding changes to affordable housing obligations were set by Central Government. Therefore, upon registered providers advising the Council that they were facing difficulties in financing the scheme, the Council was under an obligation to enter into negotiations with the registered providers. He stated that it was not a case of rolling over but weighing up the pros and cons of each proposed amendment, and adding that a contribution or payment to the Parish was not without merit but for the purposes of the affordable housing consideration in front of the Committee it would not be compliant under the CIL Regulations.

Councillor J Legrys stated that Councillor D Harrison had hit the nail on the head, however regulations stated that the developer was entitled to ask us to consider accepting revised planning obligations due to the current market situation. He further highlighted that the changes had been approved by the District Valuer and that he would rather have seven units rather than none.

It was moved by Councillor J Bridges, seconded by Councillor J Legrys and

RESOLVED THAT:

The substitution of the existing affordable housing obligations by the provision of 7 units in accordance with the house type and tenure mix as set out in the report by agreed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.09 pm

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