

PLANS COMMITTEE
4TH MARCH 2010

PRESENT: The Chair (Councillor Day)
The Vice-chair (Councillor Harris)
Councillors Bava, Burr, Campsall, Goss, Green, K. Jones, Radford,
Ranson, Seaton and Walker

APOLOGY: Councillor Gay

35. MINUTES

The minutes of the meeting of the Committee held on 4th February 2010 were confirmed and signed.

36. DISCLOSURES OF PERSONAL INTERESTS

The following disclosures of interest were made:

- (i) by Councillor Ranson – a declaration under the Planning Code of Good Practice in respect of application P/09/2376/2 as a ward councillor. She stated that she had come to the meeting with an open mind and had not pre-determined the application;
- (ii) by Councillor Ranson – a personal interest in respect of application P/09/2418/2 as her grand daughter attended the riding school;
- (iii) by Councillors Day and K. Jones – declarations under the Planning Code of Good Practice in respect of application P/09/2471/2 as Board Directors of Charnwood Neighbourhood Housing. They stated that they had had no input in respect of this matter and came to the meeting with an open mind;
- (iv) by Councillor Burr – a declaration under the Planning Code of Good Practice in respect of enforcement cases E/09/0350 and E/08/0222. He stated that although he did frequent both establishments he had come to the meeting with an open mind;
- (v) by Councillor Radford – a declaration under the Planning Code of Good Practice in respect of enforcement case E/08/0222. She stated that she had sought clarification from officers 18 months ago as to whether or not planning permission was required for the smoking shelter. She confirmed that she had come to the meeting with an open mind;
- (vi) by Councillor Walker – a declaration under the Planning Code of Good Practice in respect of application P/09/2484/2. He stated that he had lived in the neighbourhood for a number of years and knew many local residents, however, he did not believe that that would influence his decision and he had come to the meeting with an open mind;

- (vii) by Councillor Campsall – a declaration under the Planning Code of Good Practice in respect of application P/09/2471/2. He stated that although this issue had recently been referred to at the Loughborough North West Area Forum meeting, he had not expressed a view on the matter;
- (viii) by Councillor Harris – a declaration under the Planning Code of Good Practice in respect of application P/09/2471/2. She stated that she had received a letter objecting to the proposed development, the majority of the letter had dealt with the consultation process and she had spoken with relevant officers regarding that matter. She confirmed that she had come to the meeting with an open mind.

Members of the Committee referred to a letter and a DVD which had been received by a number of them in respect of application P/09/2376/2. The Chair confirmed that as the information had been received late and had not been seen by officers it could not be included in the Planning File and would not be considered by the Committee.

In respect of application P/09/2376/2, the Head of Legal Services referred to a petition which had been received that day. He confirmed that as the information had been received late and had not been seen by officers it could not be included in the Planning File and would not be considered by the Committee.

37. PLANNING APPLICATIONS

The applications for planning permission set out in the appendix to the agenda, together with the recommendations of the Director of Development, were considered.

In accordance with the procedure for public speaking at meetings, the following members of the public, applicant, representative of the applicant, agents and Parish Council representatives attended the meeting and expressed their views:

- (i) Mr T. Burton (local resident) and Mr P. Cante (Barrow upon Soar Parish Council) in respect of application P/09/2376/2;
- (ii) Mr P. Rowland (Landmark Planning agent) and Mr M. Wells (Ratcliffe on the Wreake Parish Council) in respect of application P/09/2418/2;
- (iii) Miss G. Court (local resident) and Mr T. Kiernan (on behalf of applicant) in respect of application P/09/2471/2;
- (iv) Mrs C. Martin (local resident) and Mrs Seroff (applicant) in respect of application P/09/2484/2;
- (v) Dr J. Eaton (agent) in respect of enforcement case E/09/0300.

In accordance with Council Procedure Rule 33, the following councillors attended the meeting and expressed their views:

- (i) Councillor Fryer in respect of application P/09/2376/2;
- (ii) Councillor Youell in respect of applications P/09/2471/2.

In addition to the letters of representation reported in the agenda, details of the following, which had been received after the agenda for the meeting had been prepared, were submitted:

- (i) in respect of application P/09/2376/2:
 - comments from the Campaign to Protect Rural England objecting to the proposal and to parts of the applicant's statement in relation to the proposed size of the development, traffic congestion and travel plan issues, the location of the site outside the Limits to Development and the strain on local facilities;
 - comments from the Loughborough and District Civic Trust acknowledging the medium and long term needs for housing whilst sharing the concerns of local residents as to the impact of the proposed development;
 - comments from the Council's Landscape Architect noting the presence of the roundabout on Public Open Space land, in error. Further discussions would be required regarding the ownership of open spaces, the adoption of any Suds or balancing areas, children's' play area, fencing and safety near the suds, treatment of the hedgerows and wildlife meadow. Clarification would also be required over access to buffer zones through private drives together with information about site levels. The requirement for open space provision should be in line with the relevant Local Plan figures;
 - 24 further responses from neighbours objecting to the proposal on various grounds, including the effect on local facilities, traffic, flooding, historical and archaeological issues and the impact on wildlife;
 - comments from the Director of Development in response to the issues raised above;
- (ii) in respect of application P/09/2484/2:
 - additional comments from Ward Councillor Vincent concerning the siting, size and compatibility of the proposed extension;
 - comments from the occupiers at 98 Herrick Road concerning the outbuildings, boundary wall and loss of the coach house;
 - comments from the Director of Development in response to the issues raised above;
- (iii) comments from the landlord and landlady of the public house, together with reference by the Director of Development to an amendment to reason (b) (ii) of the enforcement notice to include reference to excessive noise disturbance as outlined in Policy EV/39 in respect of enforcement case E/09/0350;

- (iv) details of a letter from the developer's agent confirming that a planning application would be submitted in the week commencing 8th March 2010, together with comments from the Director of Development regarding the issues raised above in respect of enforcement case E/08/0222;
- (v) in respect of enforcement case E/09/0300, comments from Ward Councillor Sutherland noting the previous poor condition of the site and requesting that if the fence was allowed to remain, it should be painted an appropriate colour, together with details of three letters from neighbouring businesses stating that they considered the fence to be an improvement to the previous situation.

One additional condition in respect of application P/09/2418/2 was recommended by the Director of Development details of which were reported verbally.

RESOLVED

1. that, in respect of application P/09/2418/2 (Land adjacent to North Lodge Farm, 174 Thrussington Road, Ratcliffe on the Wreake), planning permission be granted as recommended by the Director of Development subject to the conditions referred to in the report and to the following additional condition:

Not more than 25 horses shall be present at the site at any one time.

REASON: To ensure that the use remains small scale and to accord with Policy CT/13 of the Borough of Charnwood Local Plan;

2. that, in respect of enforcement case E/09/0350 (Ox Lea Hotel, 61 Anson Road, Shepshed):
 - (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised construction of a children's activity area, wooden canopy and smoking shelter in the rear garden of the public house, the period for compliance being one month from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last four years;
 - (ii) it is considered that by reason of their design, location and materials, the two smoking shelters are incompatible with the locality and do not provide positive and attractive built frontages to the existing public walkway 'The Parade' and are detrimental to the visual amenity of the occupiers of

neighbouring residential properties. Furthermore, the shelter attached to the rear of the building appears as an incongruous feature on the building itself. The developments also harm the living conditions of nearby residents by reason of excessive noise disturbance. In these ways the developments conflict with saved Policies EV/1 and EV/39 of the Borough of Charnwood Local Plan;

- (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
 - (c) confirm that the notice will require the demolition of the two wooden structures, their location approximately indicated by an 'X' on plan 'SC1' and removal of all resulting debris from the land;
 - (d) for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report;
3. that, in respect of enforcement case E/08/0222 (160 Railway Hotel, Charnwood Road, Shepshed):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised erection of a smoking shelter to the rear of the building, the period for compliance being one month from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last four years;
 - (ii) it is considered that, by reason of its design, size and materials, the shelter is an incongruous feature on the building and an intrusive feature on the street scene to the detriment of visual amenity and fails to respect the local environment as it does not minimise the harm to local amenity caused by excessive noise and disturbance, therefore, conflicting with saved Policies EV/1, EV/39 and PPS 23;
 - (iii) the Council do not consider that planning permission should be given, for the smoking shelter because planning conditions could not overcome these objections;

- (c) confirm that the notice will require the dismantling of the smoking shelter and the removal of any resulting debris from the land;
4. that, in respect of enforcement case E/09/0300 (Land to the rear of I The Nook, Anstey):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised construction of fencing adjacent to the highway, the period for compliance being one month from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last four years;
 - (ii) it is considered that by reason of its design, location and materials, the fencing is incompatible with the locality, does not provide a positive and attractive built frontage in the street scene and is detrimental to the visual amenity of the occupiers of neighbouring residential properties and the surrounding area. In these ways the development conflicts with saved Policy EV/1 of the Borough of Charnwood Local Plan;
 - (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
 - (c) confirm that the notice will require the removal of the metal palisade fencing from the site edge red on the plan and the removal of all resulting debris from the land;
5. that, subject to resolution 1. to 4. above and to the conditions/reasons set out in the Committee's Minute Book, decision notices be issued as follows:

P/09/2376/2	BARROW UPON SOAR – Land at Melton Road, Jelson Homes – Site for residential development with associated access	Refuse to permit
P/09/2418/2	RATCLIFFE ON THE WREAKE – Land adjacent to North Lodge Farm, 174 Thrussington Road, Ms K. Davidson – Change of use of land for riding school and commercial livery	Permit – subject to conditions, including one additional condition

- P/09/2471/2 LOUGHBOROUGH – Flat 72, Warwick Way, Charnwood Borough Council – Change of use of ground floor flat (Class C3) to community facility (Class D1) Permit – subject to conditions
- P/09/2484/2 LOUGHBOROUGH – 96 Herrick Road, Mr & Mrs Seroff – Single-storey rear extension to form granny annex Permit – subject to conditions

NOTES:

1. No reference may be made to these minutes at the Council meeting on 26th April 2010 unless notice to that effect is given to the Head of Democratic Services by 5pm on Wednesday, 24th March 2010.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee on 1st April 2010.

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