



PLANS COMMITTEE

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To: Councillors Bailey, Bentley (Vice-Chair), Campsall, Forrest, Fryer (Chair), Grimley, Hamilton, Lowe, Ranson, Savage, Snartt, Tassell and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in Virtual Meeting - Zoom on Wednesday, 6th May 2020 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

28th April 2020

AGENDA SUPPLEMENT

5. PLANNING APPLICATIONS 2 - 5

The list of planning applications to be considered at the meeting is appended.

PLANS COMMITTEE – 6TH MAY 2020

Additional items received since the report was drafted.

Pages 7-15

Site Address: 53 Meeting Street, Quorn

Item No. 1

P.A. No. P/19/2403/2

The neighbour at 51 has submitted a complaint, (separate to the application process), into how the application has been handled. Concerns regarding the conclusion reached within the committee report were included within this and are quoted below:

“We find it very difficult to accept the conclusions by your officers re. Conserving the appearance or significance of a conservation area. I defy anyone to come and look at the dominance and overbearing impact of this fence showing some 600mm above our wall. It is certainly substantial and definitely does NOT have little or no impact on our amenity at number 51 meeting street. To quote the planning portal "Loss of light is a consequence of overbearing or dominance when a neighbouring property is at a lower ground level" We are almost three quarters of a metre below the ground level of no 53 !”

Officer Response

It is acknowledged that the wall and fence in combination are in excess of 3m above the lower ground level to No.51. However, the assessment that has to be undertaken must consider both the existing baseline and what can be constructed without the need for any planning permission. Accordingly officers have considered whether the additional 500mm would worsen the existing impact to such a degree that it becomes significant. The officer's view is that this is not the case. The impact on the conservation area has also been considered and it is the view of officers that there would be no harm to the significance of this heritage asset.

Recommendation

That no change is made to the recommendation or conditions.

Councillor Smidowicz has made additional representations concerning:

- allegations of anti-social behaviour from properties within the street, and notably from the end of Ashleigh Drive in 2017, 2018 and 2019. These are dealt with reactively and not by the Council
- the Inspector in determining the previous appeal at No. 59 (when the proposal was to extend and convert the dwelling to 5 No. Class C3 apartments, expressed concern that potential occupation of the resultant property by up to 7 occupants (based on the number of bed spaces/room sizes) would lead to more intensive levels of activity that would otherwise occur through occupation of the property as a family home.
- The possibility of a legal agreement or planning condition could be imposed.

In an additional submission she:

- Reiterates the findings of the Inspector regarding the appeal at 59 Ashleigh Drive. That inspector concluded there would be harm to residents due to intensification of the use in combination with other student and HMO accommodation nearby.
- States that the Police confirm there is underreporting of antisocial behaviour incidents
- Has evidence that the landlord has been added to a national database of "Rogue Landlords"

The Nanpantan Ward Resident Group has made further comments citing examples of how anti-social behaviour incidents and community imbalance has affected mental wellbeing

In a further submission it points out that the application should not be approved to avoid the possible loss of a planning appeal. It provides extensive analysis of the appeal at 59 Ashleigh Drive and highlights the Inspectors findings that the proposed flats, [in that case], would lead to intensification which in combination with existing student accommodation would be detrimental to local residents. This is used by the Group to support its view that if this particular application were refused and an appeal made a similar conclusion would be reached.

Full copies of these additional correspondences are available on the planning file, available on through the Council's website.

Officer Response

It is acknowledged that residents of the street have experienced previous anti-social behaviour incidents but it is unclear how these relate to the proposal which is not for a house in multiple occupation. Members are reminded that Class C3 dwellings can be occupied by

anyone and it is not within the remit of planning legislation to control the behaviour or identity of tenants who live in those dwellings, (unless the development is specifically to meet a housing need for a particular group of people). Likewise, it is irrelevant in planning terms, to whom the property belongs. Information provided by Councillor Smidowicz containing correspondence from a Leicestershire Police Inspector who is also the Neighbourhood Policing Commander for Charnwood, confirms that he is fully apprised of previous anti-social behaviour incidents in the area but also notes that reports of such behaviour in Ashleigh Drive have subsided. The Inspector states concerns, if more HiMO's were proposed in the street, but this is not the development currently before members.

With regards to the comments regarding the previous appeal decision relating to the creation of 5 apartments at the site (an increase of 4 dwellings). The current proposal is for 2 No. Class C3 dwellings and represents an increase of only one additional unit at the site. The proposed level of occupation is distinctly different to that assessed by the Planning Inspector in the previous appeal and would now be more akin to levels of activity similar to family occupation of a larger conventional Class C3 dwelling.

With regard to the nature of the applicant, this is not a material planning consideration. The Rogue landlord list relates to private housing for rent and other regulations including Housing legislation and Environmental Health cover these matters. The Council must consider the application before it which in this case is for the subdivision of a C3 dwelling into two C3 dwellings.

In terms of whether a condition could be imposed or legal agreement reached, Members are reminded of your training on equality. To isolate a particular group of residents based on their age or other protected characteristics would be unreasonable and in officers views would fail to meet the required test set out within the NPPF. Previous undertakings at other locations relating to 'no car ownership' have proved extremely difficult to monitor or enforce and conditions requiring the same would not meet the necessary legal tests.

Recommendation

That no change is made to the recommendation or conditions.

Councillor Poland and Mrs Claire Watts have provided additional information to the local planning authority since the agenda for Plans Committee was published. A summary of the additional material is set out below;

- The fencing to the front of the site was erected in order to prevent fly-tipping on the site in the first instance. Mrs Watts is concerned that if she removes the fencing then she will have serious issues again and the costs of removing the fly tipping from her land. Accordingly she has requested that members consider letting her retain the fence.
- Mrs Watts would also like members to consider the potential of a temporary period or a longer period for the enforcement action to come into effect so that she can retain the summerhouse but not indefinitely.

Officer Response

Whilst enforcement action has been recommended to secure the removal of the fencing, the possibility of under enforcement in respect of the fencing is available to the Plans committee. Mrs Watts has suggested that she would reinstate planting in front of the fence to lessen the visual impact so its retention could be considered by Members.

In terms of the retention of the summerhouse, as stated in the Officer report, the summerhouse is contrary to Policy and it is considered its removal is necessary to protect the character and appearance of the countryside. Whilst Members may consider it appropriate to allow the retention of the fence, it remains officer's opinion that enforcement action should be taken to remove the summer house for the reasons set out within the Officers Report.

Recommendation

That no change is made to the recommendation.