

PLANNING COMMITTEE

15th December 2022

Present: Councillor James Stanley in the Chair

Councillors Allcott, Amos, Barnes, Bisset, Denham (in place of Councillor Agar), Desayrah, S. Ditta, Mrs L. Hodgson (in place of Councillor Cleary), Lewing and Roberts

Apologies: Councillors Agar and Cleary

77 Declarations of Interest

The following declaration of interest was made:

Application 22/00624/HP – 102 Lansdowne Road
(Minute No. 83)

Councillor Lewing – Had called the application in before Planning Committee and knew the objector who had registered to speak. Councillor Lewing left the room during the consideration of this item, but prior to that addressed the Committee as a local Ward Member.

78 Minutes of Previous Planning Committee

RESOLVED: That the minutes of the meeting held on 24th November 2022 be approved as a correct record and signed by the Chair.

79 Minutes of Previous Conservation Advisory Panel

RESOLVED: That the minutes of the Conservation Advisory Panel be received.

80 Site Visits

The Committee had visited the following sites which were the subject of applications to be determined, prior to the commencement of the meeting:

Application 22/00624/HP – 102 Lansdowne Road and Application 22/00610/HP – 28 Bromwich Road

81 Public Participation

None.

82 Public Representation

Those representations made are recorded at the minute to which they relate.

83 Application 22/00624/FUL - 102 Lansdowne Road

Introduction

The Committee considered a retrospective application for a garden shed in the rear garden at 102 Lansdowne Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Lewing on the grounds of negative impact on the neighbouring resident.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

The Committee's attention was drawn to the late papers which related to the following:

- Proposed site plan/proposed elevations and landscaping plan received from the local Ward Member; and
- Statement received from the objector.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

Public Representations

The following people had registered to speak on the application:

Yasmin Naghshineh (Objector) and Jack Montandon (Applicant)

A local Ward Member, Councillor Lewing also addressed the Committee.

Key Points of Debate

- The local Ward Member in addressing the Committee outlined her concerns for the proposal which related to the negative impact that it would cause on the neighbouring resident. She referred to a covenant on the properties which did not allow for large structures to be built in the gardens. The windows, height and scale of the building and the fact that it is a retrospective application it was felt that planning permission should not be given.
- The objector in addressing the Committee felt that the scale and massing was clearly out of proportion to the small garden and questioned its proposed use, which she considered to be a large building and not intending to be a traditional garden shed. She expressed concerns that she would be severely overlooked and that her privacy would be compromised. She asked that the Committee look favourably upon her objections.

The objector responded to questions from Committee Members particularly around privacy issues.

- The applicant, in response to queries raised by the speakers, informed the Committee that he had made an error with regard to the height and sought to put this right. He stated that the triple glazed doors were re-used from another part of the property rather than disposing of them, he was happy to have the doors obscurely glazed. The ventilation and insulation had been used to prevent damp. He had no intention of installing electricity and that the shed would be used for storage only. With regard to the covenant, he confirmed that he had applied for permission from the developer which had been granted. The applicant responded to questions from Committee Members on the removal of permitted development rights and the need for planning permission and overlooking issues.
- The Head of Planning was asked to explain what relevance covenants had for planning application approvals, he stated that they existed but were not material planning considerations. He asked that Committee Members put that to one side and consider the planning issues.
- Taking into account the objections of the neighbour at paragraph 6.1 of the report, the Head of Planning was asked questions from Members to clarify a couple of points raised.
- Some Members were not comfortable with retrospective applications and could not see that officers had any choice but to approve them, but the Head of Planning in response stated that at no point when a retrospective application is received there is only one recommendation to consider. Each application is assessed as if the built form was not there.
- During the debate some Committee Members felt that the room would be used for more than storage, there were concerns over the reduction in amenity space for the residents and future occupants, overlooking was not considered acceptable, and the building was right up against the wall and not a metre away. On this basis a motion was put forward to refuse the application. Some Members questioned whether these were material planning objections and on what basis.
- The Head of Planning responded by saying that all could be material considerations, it would be whether they could stand up to an appeal, he explained the refusal reasons with regard to an appeal.
- The Head of Planning, to assist Members in moving the debate along, suggested three options available to them, although there was a motion on the table already to refuse. Refuse the application for some or all of the reasons given; grant planning permission, subject to the conditions set out in the report or defer consideration of the application, if Members felt comfortable with the principle of the building of this size, form and location, they may want to see changes to the elevation treatment.
- Some Members were of the opinion that the building did not take up much room and that the glass doors would be glazed, it was a family home, and it was how they wished to use it.

It was also commented that the very nature of the properties meant that there would always be an overlooking element for both properties.

- The motion to refuse the application was withdrawn and replaced with a motion to defer to enable some solutions to be found. This was seconded.

A proposal to defer the application, for the reasons given, had been made and this was seconded. The Chair asked the Legal Team representative to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal to defer was lost as follows.

For - 4
Against - 5
Abstentions - 0

A proposal to approve the application was then made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to approve was agreed as follows.

For - 6
Against - 3
Abstentions - 0

RESOLVED: That the Committee grant planning permission, subject to the conditions set out in section 9 of the report.

84 Application 22/00610/HP - 28 Bromwich Road

Introduction

The Committee considered a part retrospective application for a two-storey side extension and detached garage at 28 Bromwich Road.

Reason Why Being Considered by Planning Committee

The application had been referred to Planning Committee at the request of Councillor Amos.

Report/Background/Late Papers

The report set out the background to the proposal, the site and surrounding area, the site itself, relevant policies, planning history and representations and consultations where applicable.

There were no later papers circulated.

Officer Presentation

The information was presented as set out by the Corporate Director – Planning and Governance, in conjunction with a powerpoint presentation for the item.

The Planning Officer informed Members that this application follows the submission and subsequent withdrawal of 22/00211/HP following concerns raised with regard to the proposed design and highways safety concerns.

The proposed various extensions and alterations were outlined in paragraph 3.1 of the report. It was noted that the bathroom extension had been completed.

In applying the overall planning balance, when considered against the Development Plan as a whole, the proposals were recommended for refusal by officers. The reasons for refusal were set out in paragraph 9.1 of the report.

Public Representations

There had been no one registered to speak on the application.

Key Points of Debate

- Some Members agreed that the reasons for refusal were weak and there should be a more sensible approach than outright refusal. It was proposed that the application be deferred with a view to coming up with a scheme that was acceptable.
- It was agreed that there was a lot of potential to develop the site, but as well as highway issues there is the visual impact.
- The County Council Highways representative was asked to explain the reasons for their refusal on highway safety grounds. It was confirmed that due to an increase in bedrooms three parking spaces are required and the plans did not allow enough room for three parking spaces and a turning area which was required to prevent cars exiting in reverse gear and driving the wrong way down a one-way street and along a pavement as well as crossing a neighbour's land.
- The Committee were unsure as to whether to defer or to refuse the application. The Head of Planning informed them that the planning team had spent a lot of time trying to resolve the issues, if they thought there was an opportunity to resolve them then they would have done so. He said that officers would have delayed a decision if changes were straightforward but was unconvinced that it would be easy to make the changes.
- The motion to defer the application was still on the table and this was seconded.

A proposal to defer the application had been made and this was seconded. The Chair asked the Legal Team representative to request the voting of each Member of the Committee who were eligible to vote. Following the recording of the votes the proposal to defer was lost as follows.

For - 2

Against - 8

Abstentions - 1

A proposal to refuse the application, as per the Officers recommendation, had been made and this was seconded. There being no further points made the Chair requested the voting of each Member of the Committee who was eligible to vote. Following the recording of the votes the proposal to refuse was agreed as follows.

For - 8
Against - 2
Abstentions - 1

RESOLVED: That the Committee refuse planning permission for the reasons set out in section 9 of the report.

85 Any Other Business

Enforcement Issues

Following correspondence received from residents, Councillor Amos raised concerns over developers' vehicles being parked on pavements in University Park Drive, and the condition in which the roads were being left following building works. He asked for enforcement on these matters.

The Head of Planning stated that this is a live planning enforcement investigation and cannot discuss the matter at this stage but would update and advise Councillor Amos outside of the meeting. He also agreed to advise Planning Committee Members once the position was known.

Duration of the meeting: 1.30p.m. to 2.55p.m.

Chair at the meeting on
23rd February 2023