

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 APRIL 2017

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillor T J Pendleton

Officers: Mr C Elston, Mr A Mellor, Mrs M Meredith, Mr J Newton and Miss S Odedra

#### **114. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Boam and J Bridges.

#### **115. DECLARATION OF INTERESTS**

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

Councillors J G Coxon, J Hoult and G Jones declared a non pecuniary interest in item A1, application number 16/00216/FULM as members of Ashby Town Council.

Councillors M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A2, application number 16/01430/FUL.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A3, application number 17/00092/OUT.

#### **116. MINUTES**

Consideration was given to the minutes of the meeting held on 7 March 2017.

Councillor M Specht advised that he had declared a non pecuniary interest in item A7 as Chairman of Coleorton Parish Council and that Councillor J Cotterill had declared the same as Deputy Chairman.

It was moved by Councillor G Jones, seconded by Councillor J G Coxon and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 7 March 2017 be approved and signed by the Chairman as a correct record.

#### **117. 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.

Chairman's initials

**118. A1  
16/00216/FULM: ERECTION OF ROAD RELATED FACILITIES - INCLUDING PETROL FILLING, SERVICE STATION, RESTAURANT, CAFE AND FORMATION OF PETROL FORECOURTS, APRONS AND PARKING AREAS**

Land Off Flagstaff Island Lountside Ashby De La Zouch Leicestershire LE65 1JP

Officer's Recommendation: PERMIT Subject to Section 106 legal agreement

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

Mr D Brown, applicant's agent, addressed the meeting. He highlighted that the principle of development for roadside services had been established on the site and emphasised the Council's longstanding policy objective in respect of the site, and the presumption that the permission would be renewed if it lapsed. He acknowledged that despite the previous planning permissions a scheme had not come forward to date on the site however, he assured members that the applicant intended to start work as soon as possible as funding was in place, with a view to completing the scheme by October 2017. He stated that the development would provide 80 new full and part time jobs as well as temporary construction jobs. He highlighted that there were no objections to the scheme from the Highways Authority subject to the Section 106 contributions. Full regard had been given to the £7 million improvement scheme taking place at Flagstaff Island and it had been confirmed that there was ample capacity to support the scheme. He felt that the cumulative impact policy in the town centre did not apply in view of the site allocation for roadside services and there was no potential for an adverse impact upon the surrounding centres.

In response to a question from Councillor J Hoult, the Planning and Development Team Manager advised that the design of the second building was very similar to that shown in the presentation, in order to achieve uniformity of design across the site.

Councillor J Hoult expressed concerns regarding an oversaturation of petrol filling stations at Flagstaff Island.

The Head of Planning and Regeneration clarified the position in respect of the Highways Authority and advised that the scheme for improvements to Junction 13 of the A42 had taken account of known planned developments at the time, and this scheme was a planned development. As such, the Highways Authority were content that there was sufficient capacity to accommodate this development. He also confirmed that whilst the funding of the Flagstaff Island improvements was not a material consideration in respect of this application, it had come from various sources including the LLEP and Section 106 contributions.

Councillor G Jones expressed disappointment that no Section 106 contributions had been set aside for Ashby town centre, even though the development was unlikely to have a significant impact upon trade in Ashby High Street. It was clarified that none had been requested.

Councillor J Legrys sought clarification on the cost of the works at Flagstaff Island. He felt aggrieved that funding was being put aside for transport by other developers in the area which led to a lack of affordable housing. He asked if the developer would have been required to make contributions in respect of transport if this had been requested.

The Head of Planning and Regeneration clarified that the cost of the works at Flagstaff Island was in the order of approximately £2.4 million, and the total across the two schemes in conjunction with the works at Junction 22 of the M1 was approximately £5

Chairman's initials

million. He explained that the funding was from a number of different sources including Section 106 monies. He added that Leicestershire County Council as the Highways Authority determined how this money was spent. He advised that if the developer had been requested to make contributions in respect of highways, they would have been required to do so in order to make the development sustainable.

It was moved by Councillor M Specht, seconded by Councillor J Legrys and

RESOLVED THAT:

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

**119. A2  
16/01430/FUL: ERECTION OF THREE RETIREMENT DWELLINGS WITH  
ASSOCIATED GARAGES**

Land Adjacent To Highwinds Lower Moor Road Coleorton Coalville Leicestershire LE67 8FN

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members. He highlighted that following the publication of the update sheet, further representations had been received from Worthington Parish Council setting out their objections to the application. These being that the site was outside the limits to development, breaches the Local Plan and national planning policy documents and highways concerns relating to the entrance and exit to the site being on to a busy road. An additional third party representation had also been received objecting to the application which sought to refute points made in the design and access statement.

Mrs A Stafford, objector, addressed the meeting. She stated that the site was outside the limits to development and there was no longer any reason to develop greenfield land. She added that there was no proof of any need for retirement homes in the area, services were not within the required distance and there would be a detrimental impact upon the amenity of residents. She stated that contacts from outside the community had been encouraged to write in support of the application. She felt that this needed to be investigated as it distorted the views of local resident and it could not be ethical to call upon a group of people to support an application who had no interest in it. She felt that the applicant was hoping to set a precedent and commented that the submitted Local Plan empowered the Planning Committee to reject such spurious applications. She urged members to refuse the application in accordance with the recommendation.

Mr A Large, applicant's agent, addressed the meeting. He stated that he had been approached numerous times over the last six months by people looking for retirement homes in Coleorton. He added that the applicants had local connections and did not wish to move away from the village, and he believed this was why there was a petition in support of the proposals. He acknowledged that there were objections to the scheme and a fear of a precedent being set in terms of further speculative developments, however he emphasised that each application had to be assessed on its own merits. He stated that there was existing development on three sides of the site, which was within easy walking distance from services in the village. He believed there was a strong argument for the need for retirement homes in Coleorton. He felt that whether the application was assessed under the current or submitted Local Plan, there was a presumption in favour of sustainable development.

Councillor G Jones expressed support for the scheme and felt there was a need for retirement homes in the village.

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In response to questions from Councillor M Specht, the Senior Planning Officer clarified that the original application was for dormer bungalows.

Councillor M Specht commented that there would be no need for people to walk to the school from retirement dwellings. He expressed concerns in respect of the suggestions that elderly people could not walk down the hill to the post office and back. He also felt it was difficult to understand what constituted a retirement dwelling. He added that restricting bungalows to 2 bedrooms was not acceptable, as elderly people may need separate bedrooms, or have children and grandchildren to stay.

Councillor J Legrys said he was aggrieved that the application had been altered and that it was not right that members of the Planning Committee and the objectors found out about the amendments on the update sheet now. He commented that ribbon development had always been prevalent in Coleorton but it had to stop here. He added that the council could now demonstrate a five year housing land supply.

Councillor D Everitt expressed concerns that the attractiveness of the village of Coleorton was being diminished and he expressed disappointment that this application had been brought before the Planning Committee. He also expressed concerns in respect of a group of people submitting a view on an application which they had no interest in. He supported the officer's recommendation.

Councillor R Adams stated that he would not be supporting the proposals as the site was outside the limits to development.

Councillor M B Wyatt commented that members had not had sight of the petition and did not know who had signed it. As such he felt that this should not be taken into account.

The Head of Planning and Regeneration explained that the signatories of the petition had given no address and the petition did not provide any planning reasons to support the application, and as such there was nothing to give regard to. He confirmed that the site was outside the limits to development, was contrary to policies in the development plan and was therefore harmful by definition. He added that there was no empirical evidence to support the need for any kind of retirement housing in the village, and the dwellings may or may not have such restrictions imposed upon them.

Following a question from Councillor D J Stevenson, the Head of Planning and Regeneration confirmed the position in respect of the submitted Local Plan. He advised that the submitted Local Plan was now at an advanced stage and officers were currently in the process of agreeing a schedule of modifications with the inspector. It was intended that, with a fair wind, the Council would be asked to adopt the Local Plan in September if the hoped for report from the Inspector were to be received in June. He clarified that at present, the submitted Local Plan carried considerable weight, but not full weight.

Councillor D J Stevenson felt that the proposals were for 3 houses in the middle of nowhere, and did not offer any planning gain.

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

RESOLVED THAT:

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

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**120. A3**  
**17/00092/OUT: ERECTION OF DETACHED DWELLING WITH ASSOCIATED GARAGE**  
**ALONG WITH ALTERATIONS TO THE VEHICULAR ACCESS (OUTLINE - MEANS**  
**ACCESS, SCALE AND LAYOUT FOR APPROVAL) (RESUBMISSION)**  
11 Rempstone Road Belton Loughborough Leicestershire LE12 9XA

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members.

Mr P Crichton, applicant, addressed the meeting. He highlighted that there was no negative feedback and no objections from the parish council, local residents or the Highways Authority and all village services were within the prescribed distance. He made reference to the improvement agreed with the Highways Authority to modify visibility at the bend in the road and widen the footpath to a safer distance, which would be a significant benefit for many people who lived on Rempstone Road. He added that the road was busy and walking along the footpath at the bend could be quite intimidating and dangerous. He felt that the site was not isolated and the proposals were effectively infill development between mature homes which would follow the existing building line and remain consistent with the street scape.

Councillor D J Stevenson reminded the committee that this application had been refused under delegated powers late last year, and that he had invited the applicant to put it back in. He had then asked for the application to be called to committee. He commented that there was a big difference between a dwelling in an open field and one in someone's yard. He felt that there was a large planning gain and that there were no objections to the proposals. He moved that the application be permitted on the grounds that the proposals would provide a planning gain by reducing the bend in the road and widening the footpath.

The motion was seconded by Councillor J Hoult.

Councillor D Everitt questioned whether the planning gain had been created by the situation with the hedge extending considerably over the wall. He suggested that the visibility could have been improved with hedge trimmers, without the need for this application.

Councillor J Legrys felt that the situation could easily be resolved by way of an enforcement notice to have the hedge clipped back. He added that the site was outside the limits to development. He observed that the speed limit of the road was 40 mph, but said that actual traffic speeds were higher.

Councillor M Specht agreed with the comments made in respect of the hedge being cut back and emphasised the need to protect sustainability as enshrined in the NPPF. He stated that he would be supporting the officer's recommendation.

Councillor G Jones said that he felt the planning gain mentioned outweighed any other negative impact of the proposals.

Councillor D Harrison commented that widening the footpath by 2.5 feet was more than could be achieved by trimming a hedge and he could see the gain from the proposals. He added that he would sooner vote for safety than for policy and would support the proposals.

Councillor J Hoult supported the comments that had been made by Councillor D Harrison.

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Further to a question from Councillor R Johnson, it was clarified that the highways improvement referred to in the report was the widening of the footway.

The motion to permit the application was then put to the vote and declared CARRIED. It was therefore

RESOLVED THAT:

- a) The application be permitted on the grounds that the proposals would provide a planning gain by reducing the bend in the road and widening the footpath.
- b) The imposition of conditions be delegated to the Head of Planning and Regeneration.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.30 pm