

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

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke (Substitute for Councillor V Richichi), J Cotterill, J G Coxon, D Everitt, J Hault, R Johnson, G Jones, J Legrys, P Purver, N Smith (Substitute for Councillor D Harrison), M Specht and M B Wyatt

In Attendance: Councillors J Geary, T J Pendleton and A V Smith MBE

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

## **8. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D Harrison and V Richichi.

## **9. DECLARATION OF INTERESTS**

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

Councillor J G Coxon declared a pecuniary interest in item A3, application number 16/01229/FUL, as the owner of the site and the father of the applicant.

Councillor R Johnson declared a non pecuniary interest in item A2, application number 17/00020/FUL, as the Chairman of Hugglescote and Donington le Heath Parish Council.

## **10. MINUTES**

Consideration was given to the minutes of the meeting held on 6 June 2017.

It was noted that the attendance details had been incorrectly recorded in the minutes.

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

RESOLVED THAT:

The minutes of the meeting held on 6 June 2017 be approved and signed by the Chairman as a correct record.

## **11. 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.

## **12. 17/00340/OUTM: RESIDENTIAL SCHEME FOR UP TO 38 DWELLINGS INCLUDING A MIX OF AFFORDABLE AND MARKET DWELLINGS (OUTLINE - ALL MATTERS RESERVED)**

The Principal Planning Officer presented the report to members.

Mrs A Wright, Parish Councillor, addressed the meeting. She stated that this was a greenfield site outside the limits to development and a stand-alone site which could in no way be considered to be an integral part of the village. She added that the proposals were not compliant with policy S2. She highlighted the village had no access to public transport, new residents would be reliant upon cars and this would add to congestion on

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Main Street. She added that the site was liable to flooding. She referred to the objection from Leicestershire County Council and the complaints in respect of Dawson's Yard adjacent to the site. She asked members to give due regard to the heritage aspects of the proposal. She stated that the development was not necessary to meet the needs of local people and the housing land supply had been provided. She asked members to refuse the application.

Mr R Marshall, supporter, addressed the meeting. He stated that Heather was classed as a sustainable village and therefore would have to accept some development. He expressed support for the application as the entrance and exit provided good visibility along Swebstone Road in both directions and the proposed footpath would provide access to the play area without the need to cross the road. He added that the plot was definitive and could not be extended, and the application would not erode the character of the village and the visible countryside. He commented that the response from village residents had been quite small which suggested that there was not too much opposition to the proposals. He stated that the land had been wild scrubland for decades and provided no agricultural benefit. He stated that if the application was wrongly refused, there was no doubt in his mind of the likelihood of the application being permitted at appeal.

Mr A Large, agent, addressed the meeting. He stated that members needed to judge whether the conflicts with the Local Plan could be outweighed by the presumption in favour of sustainable development. He reminded members of a similar scheme in the previous year which had been recommended for approval on that basis. He made reference to the noise survey and expressed disappointment that there was no reference in the report of the significant built form to the east of the site. He added that the site was not prime agricultural land and the topography created a plateau. He stated that the proposals would not appear incongruous with the surroundings, most residents accepted that additional housing was required and there were no technical objections to the scheme. He asked members to permit the application.

Councillor M B Wyatt moved that the application be refused in accordance with the officer's recommendation. The motion was seconded by Councillor R Adams.

Councillor N Smith stated that he could see no problem whatsoever with developing this site. He commented that the yard next door was an eyesore, the proposals would cause no environmental harm, the site was a contained area and could not be expanded, the site was behind a layby and the hall could not be seen from the site. He felt that this was the type of housing that was needed in the village. He made reference to the previous application opposite this site which was an open field.

Councillor J Bridges expressed concerns in respect of the yard adjacent to the site and the possibility of this expanding into the site at some point. He felt that officers would be unable to refuse such an application.

Councillor J Legrys stated that the site was outside the limits to development in both the current and emerging local plan. He made reference to the desire of residents to ensure that development remained within the limits. He highlighted that there were other applications in the Heather area which had been refused for this reason and he supported the officer's recommendation.

Councillor G Jones expressed support for the application. He stated that the site was wild scrubland rather than a greenfield site. He felt that the yard adjacent was causing harm to the application and the topography of the site would make for a very desirable development.

Councillor J Clarke stated that the application found him between a rock and a hard place and he had been lobbied by both sides. He added that previous experience showed that

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objectors were far more likely to submit representations than those who were in support of the application and this had not been the case in respect of this application. He made reference to the fact that there was no bus service in the village, the site was outside the limits to development and was neither a greenfield nor brownfield site. He questioned what would become of the site if it was not utilised for housing and felt the wishes of locals who would like the site to be developed should be listened to, whilst ensuring consistency.

As Councillor J Clarke had read from a prepared speech, the Legal Advisor recommended that he remove himself from the meeting during consideration of this item due to the appearance of pre-determination.

Councillor J Clarke left the meeting and took no further part in the consideration or voting on this item.

Councillor R Adams stated that the site was outside the limits to development and he could not support the application.

Councillor J Legrys requested a recorded vote.

Councillor M Specht stated that he had listened to the speakers and he welcomed the self-build aspect of the proposals and the affordable housing contributions. He felt that the proposals would not cause significant harm to the environment, however Dawson's Yard did cause harm. He felt that reliance upon motor vehicles was not a concern and added that none of the main consultees objected to the proposals. He expressed support for the proposals.

Councillor R Canny stated that this was a fairly evenly balanced argument, however at this moment in time she felt members ought to be guided by the local plan and added that this document needed to be respected in order to withstand unwanted development in future.

Councillor D Everitt commented that Dawson's Yard was muddying the waters however it would still be there regardless of the outcome of the application. He stated that he supported the officer's recommendation.

Councillor M B Wyatt commented that wild scrubland was good for the environment and did not have to be developed.

The Head of Planning and Regeneration stated that Dawson's Yard was already in existence. He reminded members that the site was outside the limits to development in both the submitted and existing local plan, the Council had demonstrated a five year housing land supply and as such there was no reason to release this site. With regards to whether Dawson's Yard could expand into the site at a later date, he advised that this would also require planning permission. He explained that the application was compliant with policy in respect of the promotion of self-builds and affordable housing contributions, and refusal was not recommended on those grounds. He felt that the benefits did not outweigh the harm in that the proposals were contrary to the local plan in principle.

The Chairman then put the motion to refuse the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Boam, R Canny, J G Coxon, D Everitt, R Johnson, J Legrys, P Purver, D J Stevenson and M B Wyatt (10).

Against the motion:

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Councillors J Bridges, J Cotterill, J Hoult, G Jones, N Smith and M Specht (6).

Abstentions:  
None (0).

It was therefore

RESOLVED THAT:

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

Councillor J Clarke returned to the meeting.

### **13. 17/00020/FUL: ERECTION OF ONE DWELLING**

The Senior Planning Officer presented the report to members.

Mr S Palmer, Parish Councillor, addressed the meeting. He referred to the concerns raised that the original proposals represented overdevelopment of the site and felt that the additional dwelling was a step too far. He also expressed concerns in respect of lack of parking.

Mr S Atha, applicant's agent, addressed the meeting. He stated that the applicant had worked closely with officers throughout and had responded constructively to feedback. He explained that the dwelling had been designed in the style of a barn to replicate the former barn on the site. He added that there were no objections from the conservation officer and the proposals would complement the development as a whole, making the most efficient use of site as a whole. He stated that the density was in accordance with the guidance and the parking provision exceeded the standards. He reminded members that the site was inside the limits to development and felt that the officer recommendation should be followed. Councillor R Johnson moved that the application be refused. The motion was seconded by Councillor J Legrys.

Councillor R Johnson stated that he had observed a double garage had been built on the site. He felt that the development was excellent and the finish was exceptional. However he considered that the additional dwelling represented overdevelopment of the site and would spoil the intrinsic value of the streetscape. He felt that the application should be refused on the grounds of overdevelopment in a conservation area.

Councillor J Legrys stated that he felt very strongly about this application and took great exception to the application being changed particularly during the building process and following an application having been approved and accepted by the committee. He felt that he could not accept the officer's recommendation on principle.

Councillor D Everitt stated that he felt the additional dwelling would spoil the look of the whole development.

Following a question from Councillor M Specht, the Senior Planning Officer clarified that the scheme was originally approved with the farmhouse and double garage, therefore what had been built on site was in accordance with the existing planning permission. He advised that in order to facilitate the additional dwelling, part of that garage would have to be demolished, as the site was not wide enough.

Councillor M Specht expressed concerns that the applicant was seeking to evade the affordable housing contribution by submitting an initial application for 14 dwellings.

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In response to a question from Councillor R Canny, the Head of Planning and Regeneration advised that an application for 15 dwellings would have triggered a requirement for 20% affordable housing, which for this site would be 2 dwellings in total. An application for 14 dwellings was below the threshold and therefore required no affordable housing contribution.

Councillor J Legrys requested a recorded vote.

The Chairman then put the motion to refuse the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, J Hault, R Johnson, G Jones, J Legrys, P Purver, N Smith, M Specht, D J Stevenson and M B Wyatt (17).

Against the motion:

None (0).

Abstentions:

None (0).

It was therefore

RESOLVED THAT:

The application be refused on the grounds of overdevelopment in a conservation area and the negative impact upon the character to the wider development.

**14. 16/01229/FUL: CONVERSION OF PART OF EXISTING OUTBUILDING AND ERECTION OF TWO STOREY EXTENSION TO OUTBUILDING TO FORM ONE DWELLING**

Having declared a pecuniary interest, Councillor J G Coxon left the room during consideration of this item and took no part in the discussion or voting thereon.

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

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

RESOLVED THAT:

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

Councillor J G Coxon returned to the meeting.

**15. 17/00383/FUL: ERECTION OF TWO STOREY REAR EXTENSION AND FORMATION OF NO. 2 CAR PARKING SPACES TO REAR**

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

Mrs M Hobbs, Parish Councillor, addressed the meeting. She made reference to the three story house which had been built at the bottom of the private drive and the issues in respect of access to the proposed parking spaces at the rear of the property and the existing parking problems.

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Mrs E Palfreyman, objector, addressed the meeting. She expressed concerns regarding the overbearing height of the extension, the negative impact on visual amenity and overlooking which would affect one of her habitable rooms. She felt that a single story extension would lessen the impact and would be more in keeping with the pattern of other extensions. She emphasised the importance of the visual amenity of the roofline, and felt that the elevation projecting from the top of the roof would be harmful as it would be visible from the street. She felt that the proposals were harmful to existing occupants.

Mr M Brunt, applicant, addressed the meeting. He stated that he believed the application was reasonable and it would be unfair for it to be refused. He commented that the application should be determined based on fact rather than preference. He stated that he had worked closely with officers to ensure the proposal complied with all policies. He added that there would be no overshadowing as the proposed extension was south facing.

Councillor J Hoult moved that the application be permitted in accordance with the officer's recommendation. The motion was seconded by Councillor G Jones.

Councillor G Jones stated that he would like to add a condition that Swithland slate be utilised and the pattern of the existing roof line be followed. Councillor J Hoult indicated that he was in agreement with this.

Councillor J Legrys endorsed this comment fully and felt the use of Swithland slate was essential. He sought clarity in respect of the parking spaces and whether refusal of access by the land owners would nullify the application.

The Head of Planning and Regeneration clarified that this was not a planning matter and the existing dwelling did not have any off street parking provision.

The Chairman then put the motion to the vote. It was

**RESOLVED THAT:**

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, subject to the imposition of a condition relating to the use of Swithland slate. The wording of the condition to be delegated to the Head of Planning and Regeneration.

## **16. RECENT PLANNING APPEALS AND DECISIONS**

The Head of Planning and Regeneration presented the report to members, outlining the appeal process and the different types of appeal. He highlighted the contrast in the rate of appeals lost as a result of the Planning Committee overturning an officer recommendation as opposed to an officer decision to refuse an application. He advised that there were a number of outstanding appeal decisions and an update would be provided in due course.

**RESOLVED THAT:**

The report be noted.

Councillor A V Smith entered the meeting at 5.15pm during the discussion on item A2, application number 17/00020/FUL.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.54 pm

Chairman's signature