

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 9 JANUARY 2018

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoults, R Johnson, G Jones, J Legrys, P Purver, V Richichi, M Specht and M B Wyatt

In Attendance: Councillors J Geary, T J Pendleton and N Smith

Officers: Mr R Duckworth, Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr J Knightley, Mr A Mellor, Mr J Newton and Miss S Odedra

53. APOLOGIES FOR ABSENCE

There were no apologies for absence.

54. DECLARATION OF INTERESTS

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

Councillor R Adams declared a non-pecuniary interest in item A3, application number 17/01326/REMM, as he had campaigned in the past over development on the site but had come to the meeting with an open mind.

Councillor J Cotterill declared a non-pecuniary interest in items A5, application number 17/01511/FUL, A6, application number 17/01622/FUL and A9, application number 17/01496/FUL, as Deputy Chairman of Coleorton Parish Council.

Councillor P Purver declared a non-pecuniary interest in item A3, application number 17/01326/REMM, as her mother lived in the vicinity of the development.

Councillor M Specht declared a non-pecuniary interest in items A5, application number 17/01511/FUL, A6, application number 17/01622/FUL and A9, application number 17/01496/FUL, as Chairman of Coleorton Parish Council.

Members declared that they had been lobbied without influence in respect of various applications below.

Item A1, application number 17/01237/OUT
Councillors J Legrys and M Specht

Item A3, application number 17/01575/OUT
Councillors R Adams, R Canny, D Everitt, R Johnson, J Legrys, P Purver, M Specht and M Wyatt

Item A4, application number 17/01379/FUL
Councillors J Legrys and M Specht

Item A5, application number 17/01511/FUL
Councillors R Adams, R Boam, D Everitt, R Johnson and J Legrys

Item A6, application number 17/01622/FUL
Councillors R Boam and M Wyatt

Item A7, application number 17/01606/FUL
Councillor M Specht

Chairman's initials

Item A9, application number 17/01469/FUL
Councillor R Boam

55. MINUTES

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

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

RESOLVED THAT:

The minutes of the meeting held on 7 November 2017 be approved and signed by the Chairman as a correct record.

56. 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.

The Chairman advised the Committee that item A2, application number 17/01575/OUT, had been withdrawn from the agenda.

57. A1 17/01237/OUT: PROPOSED AGRICULTURAL WORKERS DWELLING (OUTLINE - MEANS OF ACCESS FOR APPROVAL)

Barn Farm Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Councillor N Smith, Ward Member, addressed the Committee. He advised that he had been asked by the applicant to speak at Committee to put forward the facts. He reminded Members that the original application was refused as it was not financially viable, however the applicant had now acquired in excess of 50 acres of extra land. He stated that the applicant could not expand the livestock unless he lived on site to look after the animals and therefore could not live there unless he had a house to live in. He went on to inform the Committee that the applicant currently lived in Donisthorpe, worked in Coalville and was making three trips a day to the farm to assist his parents on the farm. He highlighted to Members that, as far as he was aware, the application in front of them was the only application that Packington Parish Council had not objected to that was outside the Limits to Development and that Babelake Street was a one way street with only four properties on, and that the new dwelling would not look out of place in the vicinity. He urged Members to support to help sustain small farms.

Mr M Wathes, supporter, addressed the Committee. He advised Members that five generations of the family had been farming the land for a hundred years and his parents were at retirement age and he wished to work at the farm full time. He stated that he lived five miles from the site with his young family and due to personal reasons, temporary accommodation was not suitable for them. He stated that he was recommended for start-up businesses which the farm was not, as within the next year they were on target to look after 820 sheep and rearing 120 calves. He explained that as result of the new TB isolation unit, there was a need for him to be resident on the farm full time. He informed Members that the farm had invested in new machinery, increased the sheep flock by 40% and acquired additional land which showed clear commitment to the farm which had been a key consideration by Members. He highlighted that the situation of the dwelling would

Chairman's initials

have minimal impact on the countryside and that small working farms in villages were dying out and urged the Committee to support the application.

Mr A Large, agent, addressed the Committee. He advised Members that since the deferral of the application he was pleased to see that officers accepted that there was a functional need for the dwelling and he thanked the officers for working practically to overcome the concerns. He highlighted that planning policy statement 7 (PP 7) was mentioned continuously throughout the report but stressed that the policy no longer existed and had been replaced by one sentence in the NPPF which promoted the development and diversification of agricultural and other land-based rural businesses. He stated that case law had shown that PPS 7 was now guidance and that it was not required to be adhered to rigorously; instead a pragmatic view on the actual circumstances at the holding was to be taken. He informed Members that the proposal at Barn Farm showed that the next generation wants to work full time, proposals to grow the business, acquiring more land, a new TB isolation unit, capital reserves available and the low costs of a self-build dwelling. He advised Members that monies derived from the farming business can be used to fund the cost of a new dwelling, adding that the business had been profitable for the past three years and the son would have sufficient funds also. He urged the Committee to support the application.

Councillor M B Wyatt stated that all Members were aware that farming was not an easy occupation and it was a passion. He moved that the application be permitted.

The motion was seconded by Councillor V Richichi.

Councillor J Legrys asked that, if the Committee was minded to permit the application as an agricultural workers dwelling could a condition be added that the dwelling be demolished if it was no longer a farm.

The Head of Planning and Regeneration advised the Committee that an agricultural tie could be put on it to cover occupation of the house, so that it could not be occupied unless the household was working in agriculture, but that would not require the demolition of the house. .

Councillor M Specht stated that he was happy to support Councillor M B Wyatt's motion to permit.

Councillor V Richichi asked the Senior Planning Officer whether he had ever been involved in looking after livestock. The Senior Planning Officer said that he had.

Councillor V Richichi stated that it would not be a market house, that there was a functional need for the development, that the dwelling could be tied by an agricultural need and that animals required care from workers that needed to be onsite. He expressed concerns about the statement from the Independent Agricultural Planning Advisor that there was no need for the worker to be on site as back in 2014 when acting as a consultant for an applicant from a neighbouring authority he had stated that for the welfare and care of livestock, workers need to be onsite. He stated that PP 7 was no longer relevant but it had been used throughout the report, but it had been superseded by paragraph 55 and that it was essential for the worker to be on site as part of good husbandry. He asked if the officer had taken into consideration the single farm payment as well as the income that was generated as the money available would be quite a bit more.

In response to the question from Councillor V Richichi, the Senior Planning Officer advised the Committee that it had not been a consideration by the consultant.

Councillor G Jones reiterated the concerns expressed by Councillor V Richichi over the advice of the consultant and that despite revised Government guidelines, local councils were still not convinced of the value in building residential homes like the proposal in front of them to help solve the rural housing crisis.

Councillor J Hoult supported the motion to permit as the farmer was over the retirement age but should be able to remain on the farm which was a good reason for the building.

Councillor D Stevenson commented that, based on what he had heard, he had himself missed out on a video link, over the years.

RESOLVED THAT:

The application be permitted on the grounds that the proposed house was needed to enable the applicant's son to look after the farm, and that the house would be tied to the agricultural unit, and subject to the imposition of conditions be delegated to the Head of Planning and Regeneration.

58.

A3

17/01326/REMM: ERECTION OF 166 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE, INFRASTRUCTURE AND NATIONAL FOREST PLANTING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REFERENCE NUMBER 17/00423/VCUM)

Land Off Greenhill Road Coalville Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Miss J Tebbatt, objector on behalf of residents, addressed the Committee. She stated that she was addressing Members to ask them to seek amendments to the application that was in front of them. She asked that the attenuation bank on the land adjacent to 8 Jacquemart Close be as per the original approved plans, that the elevated viewing area be removed and the 1.8m height of boundary fences remain without imposing on or casting a shadow over the neighbouring properties. She asked that the previously untested 1.3 change in level is reviewed to ensure in keeping with the 1.17 gradient of Greenhill Road as a significant difference in height between the proposed dwellings and existing homes would have an impact on privacy. She raised concerns over the play area stating that it would lead to unsupervised nuisance and security concerns for the existing residents, that the lower level fencing would protect new resident's privacy, but not that of the current, and the possibility of anti-social behaviour and damage to dwellings due to the trees proposed around the boundary.

Ms A Gilliver, agent, addressed the Committee. She advised that the applicant had been working closely with the officers and before Members was a well-designed, sustainable, accessible and deliverable development and if approved the applicant looked to be releasing the first houses in the second half of the year. She highlighted that the principle of development had been granted in January 2016 and had established the parameters, flood risk, highway impact and ecological constraints. She advised that the application was compliant with the Council's Good Design SPD enabling the public areas to be well surveyed and connected, character areas highlighted, the design of the dwellings would be in keeping with the area and there would be a 20% provision of affordable homes. She informed the Committee that following statutory consultation the plans had been amended to address concerns and that all conditions would be adhered to before commencement of the development. She stated that National Forest Planting and play areas would be included and that the management of the estate would be done privately. She urged the Committee to grant permission.

Chairman's initials

Councillor R Adams asked if officers had the responses to the questions that he had raised in the briefing.

The Principal Planning Officer provided the following responses to the questions:-

- That the outline planning permission included provision of a retail unit, with conditions attached to the outline permission to ensure that the shop was not brought forward on its own without the housing. There was no obligation to provide the shop as it was not identified as a need to have element of the development.
- That the original outline permission included a condition to require the reserved matters application to demonstrate that if necessary a bus could operate around the site, so if required in future a bus route could be provided for the estate and as such a tracking layout was included in the plans.
- Yes, the site was in the Charnwood Forest character area and that at the public appeal the Inspector stated that the area fell within the Bardon landscape character area.
- That the developer was not agreeable to amending the scheme to tally fully with the mix of affordable dwellings as sought by the Council's Housing team, but officers could not reasonably push this matter further given that the scheme matched the findings of the HEDNA pretty well.
- That the mix of housing types has been considered by Inspectors who have determined that housing mix does not fall within the definition of layout and scale. A condition should therefore be included allowing the council to agree the housing mix either at Reserved Matters stage or a later agreed date.
- That the neighbouring properties adjacent to the site on the western and northern sides were consulted along with site and press notices. He advised that the requirement for development of the size before them was site and press notices which the Council had done and in addition had written to the adjacent properties.

Councillor M B Wyatt advised that he had not taken part in any campaigning in relation to the application before the Committee and had come to the meeting with an open mind. He stated that on listening to the objectors he asked that a number of additional conditions be attached and that he was minded to defer the application due to the number of concerns raised.

The Legal Advisor informed Members that should they be minded to defer the application then any debate would need to be held at the next meeting.

Councillor M B Wyatt sought clarification on the procedure to defer.

Members were advised that if the application was deferred before any debate took place then a full debate could be had when the application was brought back to Committee.

Councillor M B Wyatt moved that the application be deferred to allow further consideration of the issues that had been raised in the objectors email. The motion was seconded by Councillor R Adams.

RESOLVED THAT:

The application be deferred to allow the applicant to further consider the four points that had been raised by the objector.

59.

A4**17/01379/FUL: CHANGE OF USE OF DWELLING HOUSE TO A HOUSE IN MULTI OCCUPATION (HMO) USE (SUI GENERIS USE) AND TWO STOREY REAR EXTENSION**

95 Sideley Kegworth Derby Leicestershire DE74 2ER

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor M Hawsworth, on behalf of Kegworth Parish Council, addressed the Committee. He informed the Members that the report in front of them reached the conclusion that the effect of the proposed development on Kegworth was acceptable but the Parish Council felt that the development was not acceptable in the local context. He asked that the application be refused as it was an over-intensive residential use of the site, it caused significant loss of amenity to neighbours and that there were not enough parking spaces provided for a 7 bedroom house in multi occupation. He stated that there was a precedent for refusal as in September 2017 a similar application for an 8 bedroom HMO on Broadhill in Kegworth had been refused by the authority. He highlighted that the planning report considered that it was unlikely that all occupants of the HMO would have a car, however Kegworth Parish Council did not accept the assessment as adequate parking provision for large HMO's in Kegworth. He stated that 10% of the housing stock in Kegworth was occupied by students of the University of Nottingham, who were often veterinary students, who had cars to enable them to take placements with Veterinary Practices as part of their training, and that other HMO's in Kegworth were occupied by staff at East Midlands Airport and construction workers working on major infrastructure projects in the area, who all seemed to have cars. He expressed concerns that the 3 parking spaces shown on the plan would have a new dropped kerb access across the grass verges along Sideley and such removal of the grass verges would be detrimental to the street scene and amenity of existing homes, and the pavement crossover would remove space for street parking, adding that there was already concerns about parking on Citrus Grove, almost opposite the site, that a consultation on the implementation of a road traffic order in that part of Kegworth closed on the 5th January 2018 and that the provision of cycle storage would not compensate for the limited car parking available.

Mr M Hawsworth stated that 7 lettable rooms were proposed by extending a 3 bedroom semi-detached house and the use of an HMO would not be similar to that of a large single family dwelling as there was not the same continuity of occupancy or self-imposed constraints as a family house, and more people come and go so that the impact from noise and disturbance to neighbours is far greater. He advised Members that the attached semi at 93 Sideley had been lived in by the owners since it was built in the 1960's and that the 3m two storey extension to the rear of number 95 would block some sun from reaching 93, particularly in the winter. He urged Members to refuse the application.

Councillor R Adams moved that the application be refused due to over intensification of the site, and the impact on the neighbouring properties. The motion was seconded by Councillor R Canny.

Councillor J Legrys stated that the application was not acceptable for the area and the application should be refused to over intensification of the site, unacceptable behaviour that would be imparted on the neighbours.

Councillor J G Coxon stated that there had been a total lack of thought in the application and the development would not fit in with the area. He stated that the Ward Member was right to call-in the application and he supported the Parish Council.

Chairman's initials

Councillor D Everitt expressed concerns over the amount of parking that was proposed as he felt that two spaces were not enough and could not support the application.

In response to a question from Councillor V Richichi, the Principal Planning Officer advised Members that the property was facing north.

Councillor G Jones stated that he fully supported the motion to refuse the application and that the site looked untidy. The bins were already overflowing and it was already an amenity issue.

RESOLVED THAT:

The application be refused due to over intensification of the site, and impact on the neighbouring properties.

60.

A5

17/01511/FUL: ERECTION OF ONE DETACHED TWO STOREY DWELLING

Land At Pitt Lane Coleorton Coalville Leicestershire LE67 8FS

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the meeting. He advised the Committee that the application was for intermediate housing for the applicant who was severely disabled and he could not afford to buy a bungalow in the area. He stated that the land was to be purchased from the applicant's brother once the sale of his house had gone through and that no profit would be made from the scheme. He informed Members that the applicant was not on the housing register as he had been advised that there were no bungalows for rent in the Coleorton area. He highlighted that the main policy that governed the application was H5 as the dwelling would be an affordable home. He drew Members attention to the wording of the said policy in that need could be established in a number of ways and that the application has strong support. He stated that there was a shortfall of affordable housing in the district that was driving young couples and elderly residents out of the district, and the application before the Committee would go a small way to addressing the need.

The Affordable Housing Enabling Officer advised Members that there is a specific legal definition of intermediate housing, which is a discounted form of housing that needs to be available to an eligible household. As through the application before them, the applicant can prove that he can find a solution to his housing need, in accordance with the NPPF the family is not classed as an eligible household. Therefore the proposal is not in fact for intermediate housing, or affordable housing.

Councillor J Legrys moved that the application be permitted as he had heard all the arguments and believed that there was a genuine local need based on the information provided and that older residents should be able to remain in the area, and the application was an excellent solution.

Councillor M B Wyatt seconded the motion to permit as he agreed that there was a localised need and it would be wrong to refuse.

Councillor M Specht stated that he was speaking against the motion to permit. He highlighted that the applicants were elderly and that one of the most stressful things in life was waiting for a new home to be built. He drew Members attention to the fact that the applicant had the finances available to fund the build, but he felt that if the applicant remained in their current property he could fund an extension to make the house suitable for his needs. He also advised Members that the Parish Council would be seeking an

Chairman's initials

easement fee as would the County Council for the grass verges which would cost the applicant a significant amount of money.

Councillor R Boam stated that he supported the motion to permit as the applicant had been in the area for over 20 year, it was an opportunity for him to spend the rest of his life in the village and that it was a non-profit scheme.

In response to a question from Councillor J Bridges, the Affordable Housing Officer confirmed that there were no other suitable retirement houses in the area that were available.

Councillor G Jones stated that there were no bungalows available in the area yet the Committee had recently refused 3 retirement bungalows in the village.

In response to a question from Councillor V Richichi, the Head of Planning and Regeneration stated that the issue of access over the grass verge was not a planning consideration.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

61.

A6

17/01622/FUL: ERECTION OF DETACHED DWELLING

Church View 59 The Moor Coleorton Coalville Leicestershire LE67 8GB

Officer's Recommendation: REFUSE

The Planning Officer presented the report to Members.

Ms C Collier, applicant, addressed the Committee. She advised Members that the dwelling would be self-build to allow her to stop in the village that she had had lived in for 25 years. She informed Members that during a pre-application meeting at the beginning of October 2017 she had been informed that the application would be within the Limits of Development and an architect was employed, and the plans were submitted at the beginning of November. She stated that after the submission she received notification that the Local Plan was to be adopted on the 21st November and as such her development would fall outside the Limits of Development. She highlighted that the NPPF encourages the take up of pre-application advice so that time and money were not wasted and that the application had been submitted before the Local Plan adoption date. She informed the Committee that the village had many services that would allow the development to remain sustainable and that the dwelling would be built in the garden of an existing private residential property. She urged the Committee to support the application.

Councillor M B Wyatt moved that the application be permitted as it met a local need. The motion was seconded by Councillor R Boam.

In response to a question from Councillor J Bridges, the Planning Officer advised the Committee that a pre-application meeting had been held at the start of October and as it stood development on the site would be sustainable, however he had made it clear that because the Local Plan was due to be adopted later in the year, at the time the application was acceptable, and that the application needed to be submitted very quickly. He stated that the application was received on the 10th November and that the 21 day consultation period pushed the earliest determination of the application past 21st November.

Chairman's initials

Councillor J Bridges stated that even though he did not doubt the officer's advice, on that basis alone and subject to a condition in relation to a mining survey he would be voting against the officer's recommendation as he felt that a refusal would not stand up at appeal.

The Head of Planning and Regeneration confirmed to Members that the application had been submitted before the Local Plan had been adopted however determination of the application by the Planning Officer was to be in line with the adopted Plan.

Councillor D Harrison expressed concerns over how initial contact happened with prospective applicants on the application in front of the Committee and all applications in general. He felt that there had been no malice or deliberately misleading advice given but if officers were aware that policies and framework were going to change then every effort should have been made to ensure that any dates that would affect the application are made clear to the applicants. He stated that he could see no issue with the site or the development and supported the motion to permit.

The Head of Planning and Regeneration stated that pre-application advice is carefully caveated that it was not always guaranteed that applications would be permitted, and stated that it is open to applicants to take a second view. He accepted that officers could be clearer on any changes that were looming. In relation to the application he advised Members that in line with the adopted Local Plan the site was Greenfield and therefore should be refused.

Councillor V Richichi stated that he was aware of members of the public who had submitted applications and felt strongly that officers were advising that applications appeared to be acceptable, only for them to be subsequently refused. He stated that officers were aware of the lack of services in the village when the application was submitted.

Councillor J Legrys expressed concerns that since the adoption of the Local Plan the authority had moved away from the recommendation particularly surrounding affordable housing and his main concern was the mining survey which by a condition could be addressed. He stated that he would be supporting approval of the application.

Councillor M Specht stated that no comments had been made from the Parish Council as when consulted the application was inside the Limits to Development. He questioned how an area could be sustainable one day and then not the next. He stated that he would be supporting the motion to permit, and expressed his opinion that the Local Plan needed to be reviewed to allow for proposals such as this.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

- 62. A7**
17/01606/FUL: ERECTION OF DETACHED DWELLING WITH ALTERATIONS TO EXISTING ACCESS
 30 Ashby Road Newbold Coalville Leicestershire LE67 8PB

Officer's Recommendation: REFUSE

The Planning Officer presented the report to Members.

Ms M Holmes, applicant, addressed the Committee. She raised three main points. She firstly advised Members that the application was for a two bedroom property that she

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would reside in so that she would be able to help and support family members on a daily basis, and remain close to her work. She stated that there were no modest sized properties being built in the area and if there was they would not be in her price range. Her second point was that the report stated that the site was Greenfield, however the property was to be built on land that once housed a garage, the footings of which were still in place. She informed Members that the dwelling would be surrounded by other properties. She advised Members that when the application was submitted the site fell in the Limits to Development and during the process falling the adoption of the Local Plan the site fell outside the Limits and became unsustainable. She reminded Members that the Committee had permitted a similar development back in 2017 in the village and the Committee report had stated that the range of services available in the areas were good for a modest sized property and a such development of modest size would help to keep the village sustainable. She highlighted that nothing had changed since 2017 as the village was still sustainable and urged Members to permit the application.

Councillor J G Coxon stated that the application was similar to A6 and that again the Committee needed to have discretion and common sense. He moved that the application be permitted as it was a local need.

Councillor J Legrys seconded the motion to permit as he agreed it was local need in a vibrant community.

In response to a question from Councillor M Specht, Councillor D J Stevenson stated that he was at the Parish Council meeting and could confirm that all members of the Parish supported the application.

RESOLVED THAT:

The application be permitted on the grounds that it would meet local need and the imposition of conditions delegated to the Head of Planning and Regeneration.

63. A8
17/01661/FUL: ERECTION OF A DETACHED 3 BED DWELLING (RESUBMISSION)
 Land Adjacent To 51 The Green Long Whatton Leicestershire LE12 5DA

Officer's Recommendation: PERMIT

The officer's recommendation was moved by Councillor M Specht, seconded by Councillor R Adams and

RESOLVED THAT:

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

64. A9
17/01469/FUL: CONVERSION AND EXTENSION OF JOINER'S WORKSHOP TO FORM ONE RESIDENTIAL DWELLING
 Wayside Cottage Loughborough Road Coleorton Coalville Leicestershire LE67 8HH

Officer's Recommendation: PERMIT

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

The officer's recommendation was moved by Councillor J Legrys, seconded by Councillor V Richichi and

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RESOLVED THAT:

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

Councillor N Smith left the meeting at 4.55pm
Councillor J Geary left the meeting at 5.40pm
Councillor M B Wyatt left the meeting at 6.15pm

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.18 pm