

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 April 2018

Present: Councillor D J Stevenson (Chairman)

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

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

Officers: Mr C Elston, Mr J Mattley, Mrs M Meredith, Mr J Newton, Miss S Odedra and Ms E Overton

### **83. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Adams and M B Wyatt.

### **84. DECLARATION OF INTERESTS**

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

Councillor V Richichi declared a non-pecuniary interest in item A2, application number 17/01575/OUT, as a friend and neighbour of the applicant.

Councillors J G Coxon, J Hoult and G Jones declared a non-pecuniary interest in item A5, application number 18/00043/VCU, as members of Ashby Town Council.

Members declared that they had been lobbied without influence as follows:

Item A1, application number 18/00049/FUL – Councillors R Canny, J Cotterill, D Harrison, P Purver, M Specht and D J Stevenson.

Item A2, application number 17/01575/OUT – Councillors J Cotterill, J Legrys, M Specht and D J Stevenson.

Item A3, application number 17/01810/FUL – Councillors R Canny, R Johnson, J Legrys, P Purver, M Specht and D J Stevenson.

Item A4, application number 18/00218/FUL – Councillors J Cotterill, J Legrys and M Specht.

### **85. MINUTES**

Consideration was given to the minutes of the meeting held on 13 March 2018.

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

RESOLVED THAT:

The minutes of the meeting held on 13 March 2018 be approved and signed by the Chairman as a correct record.

### **86. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

Chairman's initials

**87. A1**  
**18/00049/FUL: CHANGE OF USE FROM A SHOP (CLASS A1) TO A HOT FOOD TAKEAWAY (CLASS A5); INSTALLATION OF EXTRACTION/VENTILATION EQUIPMENT AND OTHER EXTERNAL ALTERATIONS**  
 10 Bondgate Castle Donington Derby DE74 2NS

Officer's Recommendation: PERMIT

The Planning Officer presented the report to members and read a letter received from Andrew Bridgen MP highlighting the objections raised by local residents and urging members to take these into account.

Councillor T Saffell, ward member, addressed the meeting, outlining his opposition to the application on the basis that the application would reduce A1 use in the central area and would result in a clustering of takeaways. He expressed concerns regarding the lack of parking provision, highway safety and that the proposals would not be in keeping with a conservation area.

Mr A Sowter, parish councillor, addressed the meeting. He emphasised the amount of local concern and contested the figures in the assessment regarding the number of takeaway establishments in the local centre. He also expressed concerns regarding highway safety, the lack of parking provision, air quality issues and overall impact upon the conservation area.

Mr N Kernahan, objector, addressed the meeting. He expressed concerns regarding the lack of onsite parking, the adverse impact upon traffic and highway safety and the blanket approach to the conservation area. He felt that the application should be refused on the grounds that the premises had not been vacant for 6 months in accordance with policy EC12. He highlighted the significant amount of public opposition to the proposals and urged members to visit the site at an appropriate time before making a decision.

Mr F Sykes, agent, addressed the meeting. He sought to address the concerns raised and highlighted the lack of objections from the Environmental Health department and the Highways Authority. He suggested that a condition to reduce the opening hours could be added to reduce the impact upon residential amenity.

Members had regard to the acoustic report, the lack of objection from the Environmental Health department and the Highways Authority and the high level of public opposition to the proposals.

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

Councillor M Specht requested that a condition be added to restrict the opening hours as suggested. The mover and seconder of the motion agreed to the condition being added.

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

**RESOLVED THAT:**

Subject to amended conditions relating to opening hours, the application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure. The wording of the conditions to be delegated to the Head of Planning and Infrastructure.

Chairman's initials

**88. A2**  
**17/01575/OUT: ERECTION OF ONE DETACHED, SELF-BUILD DWELLING WITH DETACHED DOUBLE GARAGE AND FORMATION OF NEW ACCESS (ACCESS AND LAYOUT INCLUDED)**

Land Off Redburrow Lane Normanton Road Packington Leicestershire

Officer's Recommendation: REFUSE

Having declared an interest, Councillor V Richichi left the meeting prior to 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.

Councillor N Smith, ward member, addressed the meeting. He expressed the views of local residents that the proposed new dwelling was not required due to the proximity of the applicant's existing dwelling to the site, and that the application was contrary to the adopted local plan.

Mr A Pearson, parish councillor, addressed the meeting. He stated that the parish council objected to the proposals in accordance with the issues raised by the officers. He pointed out the proximity of the applicant's current dwelling to the application site.

Mrs S Goodwin, applicant, addressed the meeting. She stated that the purpose of the application was to protect her ponies whose welfare had been threatened by an adjacent development which meant that a 24 hour presence was required. She explained that the bloodlines in her stud were valuable and should be protected and she therefore urged members to support the application.

When determining the application, members had regard to the impact of the existing neighbouring development, the needs of the animals, the self-build aspect of the proposals and the fact that the application site was outside the limits to development in the adopted local plan.

It was moved by Councillor J Hault, seconded by Councillor J Legrys and

RESOLVED THAT:

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

**89. A3**  
**17/01810/FUL: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED PARKING AND LANDSCAPING FOLLOWING THE DEMOLITION OF STUDIO/STORAGE BUILDING**

Cherry Orchard 1 Hollow Road Breedon On The Hill Derby DE73 8AU

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

Mr J Morrison, parish councillor, addressed the meeting, expressing the view of the parish council that there were no public benefits associated with the application and the proposals failed to enhance or preserve the conservation area.

Mr N Marchini, applicant's agent, addressed the meeting, highlighting the changes to the proposal which sought to address the concerns raised at the previous committee. He highlighted that there were no objections from Heritage England to the proposals.

Chairman's initials

Members had regard to the height and pitch of the roof and the lack of objections from the statutory bodies.

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

RESOLVED THAT:

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

- 90. A4**  
**18/00218/FUL: CHANGE OF USE TO SIX BEDROOM, TEN PERSON HMO (SUI GENERIS) INCLUDING SINGLE STOREY REAR EXTENSION**  
 17 Derby Road Kegworth Derby Leicestershire DE74 2EN

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to members.

Mr M Hawksworth, parish councillor, addressed the meeting. He expressed concerns regarding the loss of neighbour amenity, inadequate waste disposal facilities and the lack of parking provision.

Ms T Pegg, applicant, addressed the meeting, highlighting the number of adjacent dwellings which were already operated as HMOs under permitted development rights. She advised that the maximum occupancy at any time would be 9 residents due to room size requirements. She added that the property would be difficult to utilise as a family dwelling due to the current lack of parking. She highlighted that there were no objections from the Highway Authority or the Environmental Health department.

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

RESOLVED THAT:

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

- 91. A5**  
**18/00043/VCU: ERECTION OF FOUR BUNGALOWS AND ASSOCIATED INFRASTRUCTURE WITHOUT COMPLYING WITH CONDITIONS 2, 4 AND 10 OF PLANNING PERMISSION 16/01224/FUL TO REMOVE THE SIDE (SOUTH WESTERN) WINDOW TO PLOT 4 AND INSTALL A SUN PIPE TO PLOT 4'S ROOF, TO INSTALL SOLAR PANELS TO THE ROOFS OF THE FOUR BUNGALOWS AND AMEND BOUNDARY TREATMENTS AND SOFT LANDSCAPING**  
 Site At Staley Avenue Ashby De La Zouch Leicestershire LE65 2PP

Officer's Recommendation: PERMIT

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

Mr Richard Pegler, objector, addressed the meeting. He urged members to take into consideration the hedgehog street initiative and the need to allow the free movement of hedgehogs when considering the proposed boundary treatments.

Members were mindful of the fact that the council as a responsible landlord were required to provide a secure boundary and including holes for hedgehogs would render the boundary insecure.

Chairman's initials

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

RESOLVED THAT:

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

**92. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER ON LAND AT WILLESLEY PARK GOLF CLUB ASHBY DE LA ZOUCH**

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

It was moved by Councillor J G Coxon, seconded by Councillor R Johnson and

RESOLVED THAT:

The Tree Preservation Order be confirmed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.16 pm