

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 MARCH 2017

Present: Councillor D J Stevenson (Chairman)

Councillors R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, V Richichi, S Sheahan (Substitute for Councillor R Adams), N Smith, M Specht and M B Wyatt

In Attendance: Councillor T J Pendleton

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

### **101. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Adams, J Bridges and J Legrys.

### **102. DECLARATION OF INTERESTS**

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

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 16/00102/OUTM.

Councillors J G Coxon, J Hoult and G Jones declared a non pecuniary interest in items A4 and A8, application numbers 17/00034/FUL and 16/00835/FUL, as members of Ashby Town Council.

Councillor V Richichi declared a pecuniary interest in item A5, application number 16/00888/OUT, as a neighbour of the applicant.

Councillors N Smith, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A5, application number 16/00888/OUT.

Councillors D Harrison, V Richichi, S Sheahan, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A6, application number 16/01056/FUL.

Councillor J Cotterill declared a non pecuniary interest in item A7, application number 17/00024/OUT, as Chairman of Coleorton Parish Council.

Councillor M Specht declared a non pecuniary interest in item A7, application number 17/00024/OUT, as Deputy Chairman of Coleorton Parish Council.

### **103. MINUTES**

Consideration was given to the minutes of the meeting held on 31 January 2017.

Councillor M B Wyatt commented that he had not suggested that occupiers of social housing were anti social.

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

RESOLVED THAT:

Chairman's initials

The minutes of the meeting held on 31 January 2017 be approved and signed by the Chairman as a correct record.

#### **104. 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.

#### **105. A1 16/00102/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 30 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE (OUTLINE - ACCESS ONLY) Talbot Place Donisthorpe Swadlincote Derby DE12 7PU**

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to members.

Mr C Timothy, applicant's agent, addressed the meeting. He stated that the application site was well related in scale and location to the existing pattern of development in Donisthorpe and was within easy walking distance to all services and public transport. He added that the land was not subject to any formal designations and there would be no adverse impact upon open space or the character of the surroundings. He commented that there were no objections in respect of highway safety and the proposals were not controversial locally. He confirmed that the Parish Council welcomed the provision of the green space. He highlighted the affordable housing provision and the willingness of the applicant to enter into a Section 106 Agreement in this respect. He stated that the development of the site represented sustainable development and the fact that it was located within the River Mease catchment area did not make the proposals unsustainable. He urged members to permit the application.

Councillor G Jones felt that the site lent itself well to the expansion of the estate and would raise the aspirations of residents.

Councillor M Specht felt that the proposals were not as intrusive as the development which had been permitted on the frontage. He made reference to the need for affordable housing, the need to identify a 5 year housing land supply with a buffer of 20% and the fact that the emerging Local Plan had not yet been tested and found to be sound.

It was moved by Councillor N Smith, seconded by Councillor J Houlton and

RESOLVED THAT:

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

#### **106. A2 17/00023/FULM: DEMOLITION OF CARE HOME AND ERECTION OF 11 DWELLINGS Greenacres Linford Crescent Coalville Leicestershire LE67 4QT**

Officer's Recommendation: PERMIT

The Planning Officer presented the report to members.

Councillor M B Wyatt stated that he could not support the proposals as the mix of social housing with the elderly would not work. He added that there was evidence of antisocial behaviour in this area due to changes in policy and elderly people would not come out of their homes because of the antisocial behaviour of young people in social housing.

Chairman's initials

Councillor D Harrison expressed support for the proposals which he felt would enthuse and lift the area. He added that it was the Council's responsibility to build better accommodation for people where possible.

It was moved by Councillor S Sheahan, seconded by Councillor J G Coxon and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, as amended by the update sheet.

**107. A3**

**16/01210/OUT: ERECTION OF THREE TWO STOREY DWELLINGS AND ASSOCIATED ACCESS ARRANGEMENTS INCLUDING AMENDED PARKING FOR NO'S 5,7 AND 9 BOROUGH STREET (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)**

Land To The Rear Of 3-9 Borough Street Kegworth Derby DE74 2FF

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

Mrs G Tseng, objector, addressed the meeting. She expressed concerns regarding overlooking and the proximity of plot 1 to neighbouring properties being situated 11m away from the flats on Hollands Way which was contrary to planning guidance. She also expressed concerns regarding the siting of the car parking spaces for plots 2 and 3 as they were over the root protection zone and under the canopy of a protected ash tree and queried how car parking spaces could be provided without digging within the root protection zone. She felt that the car parking for 3 Borough Street should be retained to the rear as the proposals were unsafe due to the narrowing and steep incline of the street.

Mr M Sansom, applicant's agent, addressed the meeting. He highlighted that the site was a sustainable location for new development, being situated within walking distance of services. He felt that the proposals made best use of the site and the development could be comfortably accommodated without impacting upon the surroundings or neighbour amenity. He added that the proposals would not prejudice the safe use of the highway network. He confirmed that the amended layout showed homes outside the root protection area of the protected tree. He concluded that all material considerations had been addressed and the proposals accorded with planning policy. He urged members to permit the application.

Councillor J G Coxon commented that the site was currently an eyesore and once it was cleared, the size of the site would become evident.

Councillor M Specht highlighted that the application had been called in due to concerns in respect of overdevelopment of the site, however the proposed number of dwellings had now been reduced from 4 to 3. He also expressed concerns regarding the safety of the tree.

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

RESOLVED THAT:

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

**108. A4****17/00034/FUL: DEMOLITION OF EXISTING GARAGE AND ERECTION OF DETACHED BUILDING TO PROVIDE TWO SELF-CONTAINED FLATS**

9 Grange Close Ashby De La Zouch Leicestershire LE65 2PQ

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

The Principal Planning Officer presented the report to members.

Councillor D Harrison felt that the proposals could be an asset for local people. He expressed support for the proposals, saying that one garage for two flats was a good trade, acknowledged that the proposal was within the curtilage of the applicant's property and moved that the application be permitted in accordance with the officer's recommendation.

This was seconded by Councillor R Johnson.

Councillor G Jones stated that he had called the application in due to the concerns of neighbours in respect of the over-intensive use of the site and highway safety. He added that the proposals were out of character with the rest of the close.

Councillor J G Coxon agreed that the proposals represented overdevelopment of the site. He stated that he could not support the proposals as it was unfair on the neighbours, would not provide any benefit for the area and would leave no land for the amenity of residents.

Councillor D Everitt felt that the building line would go beyond the existing garage, the height of the proposed development would be intrusive and the development was over-intensive.

Councillor J Hoult agreed that the proposals represented overdevelopment of the site.

The motion to permit the application was then put to the vote and declared LOST.

Councillor G Jones moved that the application be refused on the grounds of highway safety and that the development would be over-intensive. This was seconded by Councillor J Hoult.

The Head of Planning and Regeneration strongly advised members in respect of the reasons for refusal that because the Highway Authority had considered the application and had raised no concerns, in what was a highly technical subject, the highway safety reason for refusal ought not to be pursued.

Following a discussion, the mover and seconded of the motion agreed to remove highway safety from the reasons for refusal and following further advice from the Head of Planning and Regeneration, added that the proposal would be out of character with the area..

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

**RESOLVED THAT:**

The application be refused on the grounds that the proposals represented over-intensive use of the site and were not in keeping with the surrounding street scene.

Having declared a pecuniary interest, Councillor V Richichi left the meeting prior to consideration of the following item and took no part in the discussion or voting thereon.

Chairman's initials

- 109. A5**  
**16/00888/OUT: ERECTION OF ONE DETACHED DWELLING WITH DETACHED GARAGE AND STABLE BLOCK FOR USE IN CONNECTION WITH HORSE STUD AND FORMATION OF NEW ACCESS (OUTLINE- ACCESS AND LAYOUT INCLUDED)**  
 Land At Redburrow Lane Packington Ashby De La Zouch Leicestershire LE65 1UD

Officer's Recommendation: REFUSE

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

Mr A Large, applicant's agent, addressed the meeting. He highlighted an animal welfare argument for having a dwelling on the site following the approval of a residential development on an adjacent site now under construction. He said that senior officers had been supportive of the proposals until a few weeks previously. He made reference to the presumption in favour of sustainable development and a previous application in Packington similar to this which had been approved by the Committee. He added that the development provided a natural end stop to development fronting Normanton Road and the hedgerow offered good screening. He felt that the proposals would act as an attractive focal point and pointed out that there were no technical objections to the scheme. He urged members to support the proposals.

Councillor R Canny felt that ordinarily she would oppose developments like this, but the ongoing development adjacent to the site changed her mind about this proposal. She considered that the site was very pleasant, the proposals would be of benefit to the village and would screen some of the larger development.

Councillor M Specht expressed support for the proposals. He felt that the lane provided a natural buffer zone for the limits to development. He made reference to the housing white paper and the support for self builders. He urged members to set an example by putting the white paper's proposals into action.

Councillor G Jones expressed support for self build sites and welcomed the design and quality of the development.

Councillor D Harrison felt that the proposals would not enhance the site and were inappropriate for the site and village. He noted that the applicant did not live more than a short walk from the site, the scale of the proposed house was not a modest dwelling to keep an eye on the ponies, it was a large house and was not appropriate.

Councillor N Smith felt that the development was not required and the adjacent development was irrelevant. He noted that the Parish Council opposed the scheme, the Planning Committee had recently refused permission for housing opposite the site, and the site was outside the limits to development. He suggested that the proposed house would be desirable for the applicant, but was not required. He felt that permitting the application would set a precedent.

Councillor D J Stevenson said that the agent had been led to believe that the scheme would be supported, and expressed disappointment that the recommendation was to refuse permission.

It was moved by Councillor N Smith, seconded by Councillor J G Coxon and

RESOLVED THAT:

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

Chairman's initials

Councillor V Richichi returned to the meeting.

**110. A6**

**16/01056/FUL: ERECTION OF DETACHED TWO STOREY DWELLING WITH ADJACENT GARAGE AND NEW VEHICULAR ACCESS**

The Manor Overton Road Ibstock Coalville Leicestershire LE67 6PD

Officer's Recommendation: REFUSE

The Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He said that the officer had indicated that the application would be supported, and put forward uncertainty as to whether the site was within the curtilage of a listed building. He stated that the proposals were of a high quality and were sympathetic to the surroundings. He added that substantial works were also proposed to the coach house which had fallen into disrepair. He stated that the property would be self-build, and that the neighbours supported the proposal. He commented that there were no objections from any of the statutory consultees and he respectfully asked members to approve the application.

Councillor J G Coxon moved that the application be refused in accordance with the officer's recommendation. This was seconded by Councillor N Smith.

Councillor G Jones spoke in support of the proposals. He felt that this was a bespoke development and the coach house restoration was important.

Councillor V Richichi also spoke in support of the proposals. He felt that having the coach house brought back to its former glory would be of great benefit and the development would not affect the setting of the listed building.

Councillor D Harrison expressed concerns in respect of the comments made by the agent relating to pre-application advice. He felt that the site was ideal for an additional dwelling.

Councillor N Smith commented that grants were available to support the restoration of listed buildings.

The motion to refuse the application was then put to the vote and declared LOST.

It was moved by Councillor M Specht, seconded by Councillor G Jones and

RESOLVED THAT:

- a) The application be permitted on the grounds that the development site was not within the curtilage of a listed building, and that it would make a financial contribution of £50,000 towards the restoration of the coach house.
- b) Imposition of conditions and a legal agreement to secure the dwelling as self-build and the £50,000 contribution to the coach house restoration be delegated to the Head of Planning and Regeneration.

Chairman's initials

**111. A7**  
**17/00024/OUT: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED ACCESS (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)**  
 1 Zion Hill Peggs Green Coleorton Coalville Leicestershire LE67 8JP

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members.

Mr A Large, applicant's agent, addressed the meeting. He said that pre-application discussions in respect of the proposals were supportive. He highlighted the proposal permitted close to the site which was also outside the limits to development. He added that there were no technical objections and urged members to support the proposals.

Councillor R Boam moved that the application be refused in accordance with the officer's recommendation. This was seconded by Councillor J G Coxon.

It was clarified that the application shared a boundary with an application which had been granted in the previous year.

Councillor G Jones felt that the proposals would enhance the area, specifically the pub's prospects and would support other local businesses.

Councillor D Harrison expressed concerns in respect of the comments made relating to positive pre-application advice. He felt that the proposals would complete the corner plot and enhance the area.

Councillor R Johnson agreed with the comments made and added that this was a sustainable village.

The motion to refuse the application was then put to the vote and declared LOST.

It was moved by Councillor G Jones, seconded by Councillor R Johnson and

RESOLVED THAT:

- a) The application be permitted on the grounds that the location was sustainable and the proposals would enhance the village, supporting local businesses.
- b) Imposition of conditions be delegated to the Head of Planning and Regeneration.

**112. A8**  
**16/00835/FUL: ERECTION OF ONE DWELLING AND FORMATION OF ACCESS**  
 Land Adjacent 16 Measham Road Ashby De La Zouch Leicestershire LE65 2PF

Officer's Recommendation: REFUSE

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

Mr A Large, applicant's agent, addressed the meeting. He highlighted that there were no objections from officers or any of the statutory consultees other than the concerns in respect of the River Mease. He highlighted the alternative proposal in respect of a non-mains drainage connection and explained that the applicant was happy to enter into conditions in respect of the mains drainage connection. He said that the proposal was self-build and urged members to support the proposals.

Councillor D J Stevenson commented that there were no objection to the proposals and there was currently capacity to enable a mains drainage connection. He stated that the application was within the limits to development and was sustainable.

Councillor G Jones expressed support for the proposals which he felt would enhance Measham Road.

It was moved by Councillor D J Stevenson, seconded by Councillor G Jones and

RESOLVED THAT:

- a) The application be permitted subject to conditions and a legal agreement to secure the dwelling as self-build and the River Mease contribution.
- b) The imposition of the conditions be delegated to the Head of Planning and Regeneration.

**113. A9**

**16/01285/RET: RETENTION OF A FIRST FLOOR REAR WINDOW TO BE OPENABLE TO NO MORE THAN 50MM AND TO NOT BE FULLY OBSCURE GLAZED**

7 Appleby Fields Close Appleby Magna Swadlincote DE12 7BF

Officer's Recommendation: PERMIT

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

Mr T Huxley, objector, addressed the meeting. He explained how the developer had not adhered to the restrictions in respect of the requirement for the window to be non opening and obscured glazed due to the overlooking nature of the dwelling to his own property. He felt that if the application were permitted, this would set a dangerous precedent on the ease of violating planning conditions. He urged members to send a message to developers not to ignore conditions.

Mrs A Davis, applicant, addressed the meeting. She highlighted that there were other properties in closer proximity to Old End than her own property and there was no means of view to the garden through any of the windows. She added that the view from all other upstairs windows was identical and the evergreen trees which had screened the majority of the garden from view had recently been cut down to fence height. She stated that the room in question was a bedroom and the restrictions as such were inappropriate.

Councillor R Johnson expressed concerns in respect of developers not adhering to conditions imposed. He felt strongly that the conditions should be enforced, or they should not be imposed.

The Head of Planning and Regeneration agreed that conditions should be enforced, however when taking enforcement action it was necessary to consider the public interest test. He commented that in some cases, it was not in the public interest to pursue a breach of conditions and that in this case it was officers' judgement that the costs of achieving full compliance with the condition in question would outweigh the benefits of such compliance. He confirmed that enforcement action would be taken against the owner of the building at the time of taking action, which may not be the same person that committed the breach of planning.

Councillor D Harrison expressed concerns in respect of the safety of a non opening window in a bedroom.



The Head of Planning and Regeneration explained that the safety of buildings and escape routes would be managed through building regulations.

Councillor N Smith felt that the developer should be made to adhere to the condition and it was unfair now to expect the person who had purchased the property to do so. He said that he did not want the committee to get involved in neighbour disputes.

It was moved by Councillor D J Stevenson, seconded by Councillor J Hoult and

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.05 pm