

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 AUGUST 2017

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 Hoult, R Johnson, G Jones, J Legrys, P Purver, V Richichi and M Specht

In Attendance: Councillors T J Pendleton and A C Saffell

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

17. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor M B Wyatt.

18. DECLARATION OF INTERESTS

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

Councillors R Adams and D Everitt declared a non-pecuniary interest in item A1, application number 16/01407/OUTM, as Members of Whitwick Parish Council.

Councillor J Bridges declared a non-pecuniary interest in item A3, application number 17/00475/FUL, as ward member and he had been asked to speak on behalf of Ashby Woulds Town Council. He stated that once he had addressed the Committee he would leave the meeting and take no further part in the discussion and voting thereon.

Councillor R Canny declared that she had attended a meeting of Castle Donington Parish Council where item A6, application number 16/00902/FUL, had been discussed, but she had come to the meeting with an open mind.

Councillors J G Coxon and J Hoult declared a non-pecuniary interests in items A4 application number 17/00585/FUL, A5, application number 17/00204/FUL and A7, application number 17/00635/3FD as Members of Ashby de la Zouch Town Council.

Councillor D Harrison declared a non-pecuniary interest in item A1, application number, 16/01407/OUTM, as he taught at New Swannington Primary School an hour a week and items A2, application number 17/00427/REM, A4 application number 17/00585/FUL and A5, application number 17/00204/FUL, as an acquaintance of the applicants.

Councillor G Jones declared a pecuniary interest in items A4, application number 17/00585/FUL and A5, application number 17/00204/FUL, as the applicant.

Councillor P Purver declared a non-pecuniary interest in item A1, application number 16/01407/OUTM, as her daughter attended New Swannington Primary School.

Councillor M Specht declared a pecuniary interest in item A2, application number 17/00427/REM, as the applicant.

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

Item A1, application number 16/01407/OUTM

Councillors R Adams, R Boam, R Canny, J Cotterill, D Everitt, R Johnson, J Legrys, P Purver, V Richichi, M Specht and D J Stevenson.

Chairman's initials

Item A2, application number 17/00427/REM
Councillors R Canny, J G Coxon, R Johnson and P Purver

19. MINUTES

Consideration was given to the minutes of the meeting held on 4 July 2017.

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

RESOLVED THAT:

The minutes of the meeting held on 4 July 2017 be approved and signed by the Chairman as a correct record.

20. 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.

21. A1

16/01407/OUTM: ERECTION OF UP TO 270 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS, CAR PARKING AREA FOR NEW SWANNINGTON PRIMARY SCHOOL AND VEHICULAR ACCESS POINTS FROM THORNBOROUGH ROAD AND SPRING LANE (OUTLINE - ALL MATTERS OTHER THAN PART MEANS OF ACCESS RESERVED)

Land At Thornborough Road Coalville Leicestershire

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to Members.

Councillor R Woodward, on behalf of Whitwick Parish Council, addressed the meeting. He highlighted the objections that the Parish had raised as contained in the report including that point that the application, being Green Wedge and countryside, was contrary to the Council adopted Local Plan and premature in light of the submitted Local Plan, adequate housing was already available, agricultural land would be lost and the proposed development would exacerbate existing flooding issues He stated that nowhere in any documents submitted by the applicant was the protection of Whitwick mentioned and he expressed concern that the mention of additional parking for the school was a mere bribe to push the application through. He hoped the Committee would support the recommendation to refuse.

Mr S McGinty, objector, addressed the meeting. He stated that he was pleased to see that the application was recommended for refusal. He expressed concerns that the developer had had very little regard to the community throughout the process with very little consultation. He highlighted that the application failed to recognise Whitwick as a separate settlement to Swannington and that the sustainability of the development was low down on the developer's list of priorities. He informed the Committee that there was ample housing land supply, that there were several brownfield sites that could be used and that Gladmans had dismissed the emerging Local Plan as they felt it carried limited weight. He advised that residents had concerns over the pressures that a development of such size would put on highways, drainage infrastructure and public services such as healthcare and education. The importance of protecting the area had been outlined in the submitted Local Plan and even though a development of the size before them created jobs, it would not contribute to the long term growth of the area as only transient work would be

Chairman's initials

available. Members attention was drawn to the impact that the development would have on the A roads and that the amended plans for vehicular access would add to the already busy roads, the increase in flood risk to existing residents, the effect on air quality and the loss of countryside, landscape and views. He urged Members to refuse the application.

The officer's recommendation to refuse the application was moved by Councillor R Adams and seconded by Councillor J Legrys.

Councillor J Bridges stated that the application was not in line with the intended growth in the submitted Local Plan and on that basis alone he would go against the application as a certain amount weight must be given to the adopted and submitted Local Plan. He expressed that the site was deemed countryside and that recent appeals supported refusal.

RESOLVED THAT:

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

22.

A2

17/00427/REM: RESERVED MATTERS APPLICATION FOR THE ERECTION OF 3 NO. DWELLINGS FOLLOWING OUTLINE PLANNING PERMISSION 16/00198/FUL (MATTERS FOR APPROVAL: ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE)

Land West Of 67 Loughborough Road Coleorton Coalville Leicestershire LE67 8HJ

Officer's Recommendation: PERMIT

Having declared a pecuniary interest in item A2 Councillor M Specht left the meeting and took no further part in the consideration and voting thereon.

The Planning Officer presented the report to Members.

Mrs S Burton, objector, addressed the meeting. She explained that there were three main concerns. The first was that the pedestrian refuge was not a suitable crossing as promised. She explained that the road was already dangerous and by allowing the application today an opportunity to make safe the issues would be missed.

Her second objection was in relation to the design, layout and impact of the proposed development. She expressed the view that the proposal resembled a row of terraced houses, which was incongruous. The Committee had previously said there should be no garage to the front of properties at outline stage. She advised Members that plot three would encroach on her property and would block the light into the only lounge window of her home. She expressed concerns that the outline permission had not been adhered to and for that reason residents were not confident that details before them would. She urged the Committee to ensure that all conditions especially safety issues were met.

The officer's recommendation to permit the application was moved by Councillor J G Coxon and seconded by Councillor J Bridges.

Councillor J Legrys stated that the application had permission and that it was the reserve matters that were being considered. He highlighted that on the site visit the location of the garage had been discussed. He understood the highways concerns, however the site had planning permission and a refusal on the reserved matters could put the Council in a difficult position. He acknowledged that there were details that the objectors were not happy with and that further discussion was needed over the highways concerns. He supported the officer's recommendation.

Chairman's initials

In response to a question from Councillor D J Stevenson, the Planning Officer confirmed that there was an existing building along the road that had a garage or outbuilding on the front of the property.

RESOLVED THAT:

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

Councillor M Specht returned to the meeting.

23.

A3

17/00475/FUL: CHANGE OF USE TO MIXED RESIDENTIAL AND DOG GROOMING BUSINESS OPERATING FROM NEW SHED

17 Briton Lodge Close Moira Swadlincote Derby DE12 6DD

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor J Bridges, Ward Member, addressed the meeting. He stated that the Town Council had concerns over a few aspects of the application. As ward Member he asked Members to consider that should they be minded to permit the application, as it was a small scale operation, to include a condition that restricted the business to one customer at a time and that the scale and mass of the building did not change from the plans that had been submitted.

Councillor J Bridges then left the meeting and took no further part in the consideration and voting thereon.

Mrs V Harkin, applicant, addressed the meeting. She stated that she did not wish to change the character of the area and that it would be a small scale operation that would allow a lifestyle change. She informed Members that she did not want any more than one customer at a time as it would only be herself working in the business. She advised Members that every effort had been made to ensure that the business did not impact on other residents and that the customers would not be on site for more than 15 minutes in total for drop off and collection from her driveway, with a typical working day being one customer in the morning and one in the afternoon. She felt that application would have no detrimental effect on the area as the shed had been located to minimise the view and noise impacts.

The officer's recommendation to permit the application was moved by Councillor J G Coxon and seconded by Councillor G Jones.

Councillor J G Coxon stated that having been out on site he could see no problems with the application as it would be a low key operation, with very little traffic and the location of the shed would be hidden.

Councillor D J Stevenson stated that the Committee had passed a similar application elsewhere and highlighted that there had been no issues.

The Head of Planning and Regeneration asked Councillor J G Coxon if he was moving the recommendations as detailed in the report or if he was including the additional condition suggested by Councillor J Bridges restricting the number of customers to one at a time and that the design and mass of the shed did not change from the plans submitted.

Chairman's initials

Councillor J G Coxon confirmed that he did not wish to include an additional condition as he felt that it may restrict the business and therefore was moving the recommendations as per the report.

RESOLVED THAT:

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

Councillor J Bridges returned to the meeting.

24.

A4

17/00585/FUL: ERECTION OF TWO STOREY FRONT EXTENSION

Oakfield House Tamworth Road Ashby De La Zouch Leicestershire LE65 2PR

Officer's Recommendation: PERMIT

Having declared a pecuniary interest in items A4 and A5 Councillor G Jones left the meeting and took no further part in the consideration and voting thereon.

The Planning and Development Team Manager presented the report to Members. The presentation included a clarification that no decision notice concerning this application would be issued, unless and until either proof of ownership of the entire application site had been provided, or the correct notices had been served.

Mr T Harrison, objector, addressed the meeting. He advised Members that he was the owner of the neighbouring property and that the majority of the land in the proposed development was under his ownership. He outlined a timeline of disputes over the ownership and that there had been several planning applications submitted but none had gone forward. He highlighted the following objections to the committee:

- 1) The applicant did not own the land and that this could be verified by the title deeds that had been submitted. He informed Members that back in 2008 the applicant had been asked to verify that he owned the land which he could not and subsequently withdrew the application.
- 2) There had been six unregulated building works that had taken place and that the applicant had built over the rights of way to the bungalow and all land surrounding his property within his ownership.
- 3) That the applicant had stated that he wished to stop Mr Harrison gaining access to his own property.

Mr D Harris-Watkins, agent, addressed the meeting. He highlighted that there had been no objections to the application and that he acknowledged that there had been a long standing neighbour dispute. He advised Members that the north extension would have no windows or doors and therefore would not have an adverse effect on the residential amenities of the neighbouring property. He informed Members that the same materials and construction techniques would be used and therefore the proposed development would be in keeping with the rest of the building. He urged Members to support the recommendation.

Councillor D J Stevenson reminded Members that the Committee could not be drawn into neighbour disputes and that only the application before them was to be considered.

The officer's recommendation to permit the application was moved by Councillor J Bridges and seconded by Councillor J G Coxon.

RESOLVED THAT:

Chairman's initials

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

- 25. A5**
17/00204/FUL: CONVERSION OF SUN ROOM TO PLANT ROOM, ERECTION OF VERTICAL FLAG POLE, RETENTION OF INCREASE OF TOWER HEIGHT AND INSTALLATION OF ADDITIONAL ROOFLIGHT TO NORTHERN ELEVATION
 Oakfield House Tamworth Road Ashby De La Zouch Leicestershire LE65 2PR

Officer's Recommendation: PERMIT

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

Mr D Harris-Watkins, agent, addressed the meeting. He highlighted to Members that as with the previous application there were no technical objections. The main aspects of the application were the increase of height of the tower and converting the sun room to a plant room. The tower was to be 1 metre higher than the previous application due to construction issues but would protrude over the existing roof line and therefore would not be detrimental to the street scene. He advised Members that the conversion of the plant room would be in keeping with the rest of the property and would be well screened, again, with no detrimental impact on the street scene.

The officer's recommendation to permit the application was moved by Councillor J Hoult and seconded by Councillor J Legrys.

Councillor M Specht stated that having visited the site he felt the building work would complement the area.

RESOLVED THAT:

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

- 26. A6**
16/00902/FUL: CHANGE OF USE TO RESTAURANT (A3) WITH HOT FOOD TAKEAWAY SALES (A5) AND RETENTION OF FLUE TO REAR ELEVATION
 2 Borough Street Castle Donington Derby DE74 2LA

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor T Saffell, Ward Member, addressed the meeting. He stated that there were many issues with the application he believed that were wrong, but felt that the conservation issues needed addressing. He advised that the many traders within the conservation area helped to enhance the Georgian features and market the historic town, and that the inclusion of an ugly galvanised flue to the rear of the property would go against the aims. He highlighted that the flue was not Georgian and that the fact that it could not be seen outside the yard was not acceptable as many historic features were not always visible. He quoted the Conservation Officer's report that the flue had caused harm to the character and appearance of the conservation area and quoted policy HE1 in the submitted Local Plan. He advised Members that following the comments submitted to the Local Plan inspector by Historic England, the words "less than substantial" had been removed from HE1. He drew Members attention to the fact that Castle Donington did not have an empty shop problem, with many people wanting to invest in the village so the proposal was not an overriding benefit as the premises could be used for other trades. He urged the Members to refuse the application.

Chairman's initials

Councillor A Sowter, on behalf of Castle Donington Parish Council, addressed the meeting. He advised that the Parish Council was concerned that the development was a significant change of use and did not accord with current planning requirements for restaurants or the guidelines in the Local Plan for the ratio of class A5 use to classes A1 to A4 uses. It was felt that the restaurant had run well for many years, but when combined with a takeaway and food delivery service it would have a detrimental effect on the amenities of the area and its residents. He drew Members attention to the two possible entrances and the lead out on to narrow pavements, and expressed concerns over the possible highway issues, dangers due to customers standing on the pavements and parked cars on the road due to the lack of parking provision. He informed Members that the extended ventilation that would be required for change of use was a carbuncle that would affect the quality of life for the nearby residents.

Mr N Arbon, agent, addressed the meeting. He fully endorsed the officer's recommendation to permit the application. He advised Members that the application was to retain the flue at the rear of the building and that no other external changes were proposed. He highlighted that the application, which was to change the use from A3 use to A3 and A5 use, fully complied with all relevant planning policies and The National Planning Policy Framework and that the site lay within the Limits to Development, was within a Local Centre as defined by the submitted and adopted Local Plan. Therefore, the proposal was an appropriate main town centre use which didn't detract from the area, in accordance with policy R19 of the submitted Local Plan, would not undermine the character of the settlement and would not result in an over concentration of proposed use. He drew Members attention to the comments of the Council's Conservation Officer that the change of use would not have any impact on any of the local heritage assets and that as the flue was located at the rear of the property it would not have an impact on the conservation area.

The recommendation to refuse the application on the grounds that it would reduce the diversity of retail in the area and that it would cause harm to the Conservation Area of Castle Donington was moved by Councillor R Canny and seconded by Councillor R Johnson.

Councillor R Canny stated that the application property had always been used as a restaurant, and had been very well used, but over the past year changes had been made and all planning requirements had been flouted, and rather than a restaurant with a small takeaway it was going to be more takeaway with delivery service than a restaurant. She advised Members that Castle Donington was a village and should the application be passed, it would take the use beyond 10%, which was excessive clustering. She felt that the location of the flue was not appropriate as it blocked a window and would impact on the outside area that was used by the residents who lived over the restaurant, adding that it was in the conservation area.

Councillor R Johnson agreed with everything Councillor R Canny had said and sought clarification from officers that planning permission had been given for the flue as he felt that it caused harm in the conservation area and was in the wrong location.

The Head of Planning and Regeneration advised Members that the current lawful use of the premises was not A1 but A3. Therefore, the centre was not losing a retail unit and thus it was not affecting the diversity of units. He stated that the reduction in diversity was not a defensible reason to refuse the application and particularly given the location of the application property on a corner within the defined centre, neither was clustering of takeaways. He advised Members that officers had spoken to the applicant to see if moving the flue to another location would be possible and the applicant had indicated that he was happy to do so. He suggested that should the Committee be minded to permit the application, authority be delegated to officers to add a condition to move the flue.

Chairman's initials

Councillor D Everitt stated that if there was the need for the business it would succeed, and if the flue wasn't there the back of the building would not look great due to the age and wear of the brick work. He felt that the flue was a contrast to the old building.

Councillor J Legrys sought clarification from officers as to whether the flue had required planning permission in a conservation area, whether the 10% ceiling for the number of takeaways within the town centre had been breached and what was regarded as the town centre in which the 10% ceiling was calculated. He felt that the questions needed to be answered to allow an informed decision to be made. He expressed concerns that there was a parking issue in the area and that there was a large number of takeaways in the area. He stated that the Council did not have the resources to enforce parking restrictions anywhere in the district at night.

The Head of Planning and Regeneration advised Members that the flue required planning permission and that was why it was part of the application. In relation to the 10% rule, the amount of takeaways had been exceeded however it was irrelevant as the current lawful use of the unit was not A1 use but an A3 use, and the town centre envelope was set out on the maps contained within the Local Plan.

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

The officer's recommendation to permit the application was moved by Councillor M Specht and seconded by Councillor J Hoult.

Councillor M Specht questioned that the report did not say that there would be a food delivery service.

The Head of Planning and Regeneration highlighted to Members the additional condition that was outlined in the update sheet in relation to the hot food delivery service.

Councillor D J Stevenson stated that the increase in takeaways was happening everywhere including Coalville and Market Street in Ashby with no parking and felt that an A1 use was no different to A3 or A5 uses in that regard, and considered that if A3 or A5 units were not considered acceptable without off street parking then neither should A1 units. In relation to the flue he reminded Members that the Committee had granted permission for a flue at Stanton Harrold that was a beautiful conservation area and when you walked into that courtyard the flue was the first thing that you saw.

Councillor J G Coxon stated that he shared the sentiments of Councillor R Canny, as in the past Ashby had experienced the same problems with the number of takeaways, however he felt that there were no planning grounds to refuse the application. He felt that in time the situation would sort itself out in that if there was a need for the takeaway/restaurant the business would survive and if the custom was not there it would fold.

RESOLVED THAT:

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

27.

A7

17/00635/3FD: CHANGE OF USE OF FLAT 4 TO A NWLDC HOUSING DEPARTMENT 'HUB OFFICE' FOR USE BY STAFF ONLY

4 Hood Court North Street Ashby De La Zouch Leicestershire LE65 1HY

Officer's Recommendation: PERMIT

Chairman's initials

The Planning and Development Team Manager presented the report to Members

The officer's recommendation to permit the application was moved by Councillor J Legrys and seconded by Councillor R Adams.

Councillor M Specht sought clarification to see if the current residents of the flats had been consulted on the proposals for the flat and if any current first floor residents had been given the opportunity to move to the ground floor.

Councillor J Hoult advised that there were lifts in the building and that an office was needed to allow the area housing officers to work in the town.

The Head of Planning and Regeneration told Members that application was what it was and was to be determined on its own merits.

Councillor M Specht stated that unless it could be confirmed that the residents had been consulted he was not happy with the application and felt that it should be deferred.

Councillor R Adams questioned what the office was to be used for and whether it would be open to the public.

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

Councillor M Specht moved that the application be deferred to allow consultation with the residents. It was seconded by Councillor R Adams.

RESOLVED THAT:

The application be deferred to allow consultation with the residents.

Councillor G Jones left the meeting having declared a pecuniary interest in items A4 & A5 and he did not return to the meeting to consider any remaining items.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.01 pm