

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 OCTOBER 2017

Present: Councillor J Bridges (in the Chair)

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

In Attendance: Councillors R Johnson, T J Pendleton and S Sheahan

Officers: Mr C Elston, Ms J Eynon (LCC Highways), Mr D Gill, Mrs C Hammond, Mr J Knightley, Mr R McKillop, Mr J Newton, Miss S Odedra and Ms E Wong (LCC Highways)

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Hoult, R Johnson, G Jones and D J Stevenson.

40. DECLARATION OF INTERESTS

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

Councillor R Adams declared that he had been lobbied without influence in respect of items A1 and A2, application numbers 16/01187/VCIM and 17/00459/FUL.

Councillor J Clarke declared that he had been lobbied without influence in respect of item A1, application number 16/01187/VCIM.

Councillor J Cotterill declared that he had been lobbied without influence in respect of item A2, application number 17/00459/FUL.

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 16/01187/VCIM and that he had written to the Chief Executive about the application, but had come to the meeting with an open mind.

Councillor M B Wyatt declared a non-pecuniary interest in item A1, application number 16/01187/VCIM as his name appeared in the update sheet.

41. MINUTES

Consideration was given to the minutes of the meeting held on 5 September 2017.

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

RESOLVED THAT:

The minutes of the meeting held on 5 September 2017 be approved and signed by the Chairman as a correct record.

42. 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.

Chairman's initials

43. A1

16/01187/VCIM: CARRYING OUT OF RESIDENTIAL DEVELOPMENT OF UP TO 800 DWELLINGS WITH ASSOCIATED HIGHWAY WORKS, INCLUDING DEMOLITION OF EXISTING BUILDINGS, DRAINAGE INFRASTRUCTURE, FORMATION OF TWO NEW ACCESSES ONTO GRANGE ROAD, A LOCAL CENTRE (COMPRISING USES WITHIN CLASSES A1-A5, B1, C2, C3 AND D1 OF THE USE CLASSES ORDER), NEW PRIMARY SCHOOL, PUBLIC OPEN SPACE, PLAY AREAS AND LANDSCAPING (OUTLINE - ALL MATTERS (OTHER THAN PART ACCESS) RESERVED) APPROVED UNDER PLANNING PERMISSION REF. 13/00415/VCUM WITHOUT COMPLYING WITH CONDITION NOS. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 AND 38

Land At Lower Bardon Grange Road Hugglescote Coalville LE67 2BT

Officer's Recommendation: PERMIT subject to S106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor R Johnson, Ward Member, addressed the Committee. He advised the Members that as both Ward Member and Chair of the Parish Council he had been lobbied by the many not the few on the application. He asked if the Committee was content with the removal of all the 24 conditions that would make the development sustainable. He highlighted that when the previous application had been presented in 2012 the report covered 59 pages and included 20% affordable housing, a punch through road to the A511, proposed islands on Grange Road and a cycleway on the old disused mineral line for connectivity to Coalville. He informed Members that the application before them, albeit, a variation of conditions, was 800 homes with a lot less affordable homes, 7.5%, no punch through road, which was a travesty, no bus service, no cycleway, and no highway safety with proposed priority junctions on a very fast and dangerous road where in the past few decades there had been fatalities. He drew Members' attention to the report before them that was only 13 pages had many consultees not included, S106 contributions had been reduced and informative items such as Cultural Heritage, Ecology, Neighbours and Future Occupiers Amenities, Air Quality, Hydrology Drainage and Flood Risk were not included. He reminded Members that the Council was trying to encourage less use of the motor vehicle for more healthy walking and cycling and that it would not happen with the application before them. Councillor Johnson stated that the nearest shops would be the Shell garage on the A511, which was a mile away from the nearest access road or the shops in the centre of Hugglescote which were the same distance. He asked Members to look at the bigger picture as 3,500 new homes were to be built on both sides of Grange Road so the priority islands were needed to slow traffic for access and egress, and for the safety of all road users. He urged Members to say no to the development as it was not sustainable in the present form and asked that the Committee's judgment not to be clouded by the developer's pleas that the development was sustainable.

Parish Councillor W Jennings, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He highlighted to Members the concerns over the highways implications and safety along Grange Road as many drivers used it as a race track. He reminded Members that both sides of the road were to be developed and plans were approved but now being varied and removing many safety features to possibly save money and putting more vehicles on an already dangerous road. He advised Members that the Parish Council was frustrated as the application was permitted on the conditions of the original scheme and once permission was granted, seeking to move the goal posts without having the original conditions revoked, adding that the punch through road was vital to the concerns raised by the local residents. He stated that the developers should stick to the figures and conditions already permitted.

Chairman's initials

Mr J Burnham, on behalf of the applicant, addressed the Committee. He reminded Members that the application was permitted in 2012, the applicant bought it in 2015, and was now in a position to start developing the site. He advised Members that following 12 months of hard work the S73 application was now before them. He informed Members that whilst seeking to amend a number of conditions including the key points that would reduce the affordable housing from 20% to 7.5% following assessment from the independent valuer, that the punch through was not in his control, but a strip of land would be put aside and made available to LCC highways for a sum of £1 to guarantee the connection from the site to Bardon Road. The bus service was already secured by the wider SUE section 106 agreement.

The officer's recommendation to permit the application subject to S106 agreement was moved by Councillor J Bridges and seconded by Councillor J G Coxon.

Councillor J Legrys sought to move that consideration of the application be deferred to allow further discussion on the application for four weeks, until the decision making Members had been fully briefed by both LCC and NWLDC officers and understood the complexities of the application before them, so when the Committee came back it could make a fully informed decision.

Councillor J Bridges advised Members that the motion to permit the application has already been moved and seconded

Councillor M B Wyatt advised that he would second Councillor J Legrys and sought clarification on which motion should be voted on.

Councillor J Bridges stated that it was his understanding that there was a motion on the table that should be voted on first, and should that fall the motion to defer would then be voted on. He sought advice from the Legal Advisor.

The Chairman adjourned the meeting at 4.55pm so that advice could be sought from the Monitoring Officer. Councillors J Bridges, J Legrys and M B Wyatt left the meeting with officers to obtain legal advice.

The meeting reconvened at 5.07pm and Councillors J Bridges, J Legrys and M B Wyatt returned to the meeting.

The Deputy Monitoring Officer addressed the Committee. He outlined the situation to Members that the motion to permit the application which had been moved and seconded, was on the table, but an amendment to the original motion which sought to defer the application for 4 weeks had been proposed for which there was a seconder. He advised that he had spoken to the Monitoring Officer and it was the opinion of both he and the Monitoring Officer that to accept the amendment to defer the application would effectively negate the original motion, which would not be permissible. He stated the motion on the table should be debated and voted on and then subject to the outcome of the vote, should it be required a further motion would be moved and seconded, debated and voted on.

Councillor J Legrys stated that the Deputy Monitoring Officer had made the ruling and he was not in a position to challenge it. He stated that he was disappointed to have arrived at that point, and it was a lesson for the future, and that Members had to debate the application that he wished to avoid. He felt that the Committee should go straight to a vote to see where the result took the Committee, however there was a lot that he wished to address over the application which he felt would be better done in a private meeting, directly with officers.

Councillor M Specht acknowledged that Councillor J Legrys had a great deal to say about the application and sought clarification on the process if the application be deferred following debate.

The Deputy Monitoring Officer advised that where Members are minded to defer an item, they must give a reason as to why they should defer, and clarified that if the consideration of a planning application were to be deferred, when the application comes back to Committee the discussion can only take place around the reason why the application was deferred. He gave an example that if an application was deferred on a highways ground when the application comes back to Committee it could only be considered on the highways issue have being resolved or not and was not an opportunity for the whole application to be debated again. The motion before Members was to permit the application and that was what was to be voted on.

Councillor J Legrys raised a point of order and asked if the original motion could be withdrawn.

Councillor J Bridges stated that he did not wish to withdraw the motion.

Councillor M B Wyatt stated that based on the motion before them he could not support the application as he did not agree with the comments of the LCC Highways officer as he felt that the highways infrastructure would not cope with the additional 1600 plus vehicles and was disgusted that the Council had failed to address the need for a relief road along with the deletion of a condition that would provide a punch through road which was totally unacceptable. He asked Members to note that the application went against the Local Plan.

Councillor N Smith stated that the Committee had heard very passionate speeches about highways and infrastructure but reminded Members that similar discussions had been had numerous times before, the applications were refused and then overturned by the Planning Inspectorate. He highlighted that the highways authority felt that the application was acceptable. He also drew Members attention to the increase in the section 106 contributions and reduction in affordable housing had again been made by parties independent of the Council.

Councillor M Specht stated that it appeared that the developers were not in full control of the land that was to be the punch through road and noted that the highways contributions were increased in lieu of the reduction of affordable housing. He sought clarification that the highways contribution would be ring fenced for the punch through road.

The Head of Planning and Regeneration explained to Members that the contribution strategy being used collected pots of money for the highways authority for work along the A511 corridor and there was a list that was regularly updated of schemes which had included in the past bus services. He stated that the contribution money was collected and as schemes came along was released to fund the work. He stated that it was not the Council's decision to ring fence the money but that of the highway authority.

Councillor M Specht stated that without the assurance that the money would be ring fenced he would not be voting in favour of the application.

Ms J Eynon, Leicestershire County Council Highways Team Manager addressed the Committee. She addressed the contribution concerns and clarified that £700 per dwelling was in lieu of the original £790,619 towards improvements along Bardon Road and could go towards sustainable travel which was separate to the £2,960 per dwelling that would go towards the highways improvement strategy. She advised Members that two schemes, the works to the A42 and M1 junctions had been completed and had therefore come off the list and a project board would determine where the money would be spent, however it

Chairman's initials

could be ring fenced for the punch through road if desired and therefore it could not be used for any other schemes.

Councillor J Bridges sought clarification that the money that was contributed from the application in front of them would be spent in that area of Coalville or would it be spent in a different part of the district.

Ms J Eynon advised Members that the money in the pot could only be used on schemes in the Coalville contribution strategy which would be along the A511 corridor or in the centre of Coalville itself.

Councillor M Specht stated that his question had not been answered as he had not heard that 'yes the money would be ring fenced for the punch through road' which people had been crying out for, for a number of years. He also enquired whether the 'punch through' could be secured through a S278 if necessary.

The Head of Planning and Regeneration advised that if that was what the Committee wanted then the money would be ring fenced. He advised that a Section 106 agreement was subject to pooling restrictions and could not collect more than five S106 agreements for any one thing, adding that the restrictions had been introduced within the last few years. He advised that there was no pooling restriction on a S278, and in practical terms they worked in the same way as a S106. He stated that if the Committee wished to resolve that the money was ring fenced then that is what would happen.

Councillor J Legrys pointed out that Planning Committee Members were elected to represent local people. He stated that a S278 would be far better and safer for the application in front of them. He expressed his opinion that the report that was in front of them was poorly written, and lacked the forensic detail that the decision making elected Members required. He highlighted that the planning permission had been since 2012, and it had been known for many more years that the site would be built on. He explained that the Local Plan had been debated for many years and compromises had been made and with cross party agreement, he stated that it had been agreed that in the Coalville area there would be 20% affordable housing and subsequently the affordable housing had now been transferred in to the highways pot and by reducing the affordable housing there is less money going to the transport pot. He stated that many local Members believed that the punch through was needed, and put a development limit on the site to focus minds to ensure that the punch through was built. He said that he accepted that it would cost a great deal to build, but believed that the money generated from the site was peanuts. He agreed with Councillor M Specht in relation to the provision of the bus service, and that it would affect people, and questioned what the point was in increasing transport packs when there are no bus services for them to be used on. He stated that he wished to have time to debate the issues with officers as to how it affected the Local Plan, but Mr Newton had not allowed that to happen. He expressed concerns that the punch through road would take too long to be built. He informed Members that he was gobsmacked that officers had appeared to have rolled over and allowed the recommendations to get to this point without discussing the derivation of the Local Plan with local Members and that this opportunity had now been missed adding that he was bitterly disappointed.

Councillor M Specht stated that the increase in highways contribution in lieu of affordable housing was not a new policy, and in fact stemmed from a Cabinet resolution from 2013. He added that, should the money be ring fenced for the punch through road, he would support the officer's recommendation.

Councillor N Smith asked that the motion before them was adjusted to include that a S278 agreement be used to secure the funding that would be ring fenced for the punch through road.

Councillor J Bridges moved that a S278 be agreed and that the money be ring fenced for the punch through road.

Councillor J Legrys stated that his amendment had been refused and now an amendment was being accepted from the Chairman's own party.

The Deputy Monitoring Officer advised the Committee that the suggested amendment did not negate the motion, instead it re-enforced it, and he was happy with what had been proposed if the seconder was agreeable.

Councillor J G Coxon stated that he was happy with the amendment and condition to be added. He felt that if the money was ring fenced for the punch through he agreed that with a S278 the money would be held indefinitely and not returned.

The Deputy Monitoring Officer confirmed that S278 money rolled on and was not time limited like a S106 agreement.

Councillor V Richichi stated that one thing that bothered him was the HEDNA identified an affordable housing need. He added that he had concerns about a large number of small developments. He expressed concern that the currently permitted scheme was unviable.

The Head of Planning and Regeneration advised Members that the section of the HEDNA was one of the building blocks towards arriving at the ultimate housing target, and that the HEDNA sensitivity tested the building blocks. He added that the annual housing target for the district would be in the order of 1,600 if affordable housing needs were to be met in full, and this was obviously unrealistic. He confirmed that the authority was planning for an annual target of 520 homes, which was in excess of the objectively assessed need of 481 homes per year that was set out in the HEDNA. The district was therefore planning for building more than the requirement.

Councillor V Richichi sought clarification why all of the minor amendments were being sought and why the currently permitted scheme was unviable and surely minor amendments would not make the scheme viable and the Committee was not there to guarantee profit for the developers.

The Head of Planning and Regeneration stated that it was established policy that where a viability assessment comes out negative an independent valuer is asked to assess it at the applicant's expense, and if it was agreed that the development was not viable the authority could not require the developer to build something that was not viable. He confirmed the developer would be backed by the Planning Inspectorate, and therefore officers went back to the developer to see what could be done to ensure that the development went through.

Councillor V Richichi felt that Members were being put under pressure to go with officer's recommendations, as if the application was not developed it would punch a massive hole in the Local Plan.

The Deputy Monitoring Officer reminded Members that the amendment was to agree a condition to entering a S278 agreement and ring fencing the money for the punch through which would be voted on first and then dependent on the outcome the original motion with or without the amendment would be voted on. He added that the amendment did not negate the original motion.

In response to a question from Councillor R Adams, the Deputy Monitoring Officer advised that Councillor J Legrys motion would negate the original motion and therefore the motion on the table was to be voted on following the vote on the amendment.

Councillor J Legrys requested a recorded vote on the votes that were to follow.

The amendment to the motion to permit in accordance with the recommendation of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road was moved by Councillor J Bridges and seconded by Councillor J G Coxon and was put to the vote.

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

For the motion:

Councillors R Boam, J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, P Purver, V Richichi, N Smith and M Specht(10)

Against the motion:

None(0)

Abstentions:

Councillors R Adams, R Canny, D Everitt, J Geary, J Legrys and M B Wyatt(6)

The motion to approve the application in accordance with the recommendations of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road as moved by Councillor J Bridges and seconded by Councillor J G Coxon was put to the vote.

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

For the motion:

Councillors R Boam, J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, P Purver, V Richichi, N Smith and M Specht(10)

Against the motion:

Councillors R Adams, D Everitt, J Geary, J Legrys and M B Wyatt(5)

Abstentions:

Councillor R Canny(1)

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Regeneration with an additional condition that a S278 be secured to ring fence the highways contribution to go to the creation of the punch through road.

44.

A2

17/00459/FUL: CHANGE OF USE OF LAND AS AN EXTENSION TO THE RESIDENTIAL CURTILAGE

Land Adjacent To 25 Buckingham Road Coalville Leicestershire LE67 4PB

Officer's Recommendation: PERMIT subject to S106 Agreement

The Senior Planning Officer presented the report to Members.

Mr I Barnes, objector, addressed the Committee. He drew Members attention to the report that stated only 4 neighbours were notified yet 16 objections had been received showing the tremendous feeling over the application. He informed Members that the original planning consent included the requirement of green spaces for the enjoyment of all

Chairman's initials

residents and that it went against the Council's green space strategic wish. He advised that the land was currently woodland planting and it had taken many years for the habitat to develop and for wildlife to make its home. He expressed concerns that the S106 agreement would not benefit the residents of the estate who were losing the woodland and that with the Council promoting the development of the land at Cropston Drive, which once approved how would the residents of the new estate trust the Council to protect their green spaces in the future. He highlighted to the Committee that if the application in front of them be approved the owners of no 27 Buckingham Road would be disadvantaged as they would not have the same opportunity to extend their garden and it was inappropriate that a relatively new resident benefit to the detriment of the rest of the community.

Mr J Iliffe, applicant, addressed the Committee. He expressed to Members that he felt that the neighbours had misinterpreted the intentions of the application and having read all of the objections acknowledged that the biggest concerns were over the loss of green space and harm to the wildlife. He stated that he was sympathetic to the concerns and that throughout the application process had made it clear that no building would take place on the land and it would remain a garden adding that the only signs of wildlife were insects, brambles and stinging nettles which the family had to constantly cut back, and no signs of animal tracks, bird's nests, badger's setts or fox holes. He advised that his family were animal lovers with three pets. He made it clear that it would be green space and as part of the contract of buying the land it was agreed that there would be no building on there. He informed Members that the National Forest Company had raised no issues, only a concern over the loss of green space, and that he was willing to compensate the loss of trees on the strip of land by providing double the amount of trees for an off-site area elsewhere in the district.

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

Councillor J Legrys asked for the local elected ward Member's views about the application.

Councillor J Cotterill said that he considered that the site made a valuable contribution to the street scene.

Councillor J Bridges sought clarification from Councillor J Cotterill, whether he was in support of the proposal or against it, as he seconded the motion to grant permission but appeared to have spoken against it.

Councillor J Cotterill withdrew his seconding of the motion to grant planning permission.

Councillor D Harrison seconded the motion to grant planning permission.

Councillor J Cotterill stated that having looked at the proposals and that the applicant was willing to provide planting elsewhere as a contribution to the loss, if the application was to be permitted it would set a dangerous precedent and applications would be received from all directions from other residents wishing to extend their gardens. He advised that he had received telephone calls from more than seventeen local residents, who were very concerned and felt that the application should be refused.

Councillor J Legrys expressed concerns over applications such as the one that was in front of them that came before committee and he was aware that the land in question belonged to the original developer. He stated that he supported Councillor J Cotterill as that should the applicant be successful there would be no control over what went on the land and the land was open space. He felt that Councillor J Cotterill had a point that once one was permitted the Council would be inundated with similar applications and was therefore minded to vote against the application.

Councillor J Clarke stated he had concerns, firstly, with the fact that the application extended over the rear of 27 and if in the future the owners of 27 wished to extend their garden they would not be able to do so and secondly with condition 6 which restricted the removal of vegetation between March and August, he felt that it should be to October and should the application be permitted the condition should be amended.

Councillor D Everitt stated that the piece of nature was put there for the residents to enjoy and that the green patches within developments such as the one being discussed were valuable and broke up all the bricks. He agreed that it would start a precedent and that when 16 objectors had taken the time to write in it proved that they valued the area and therefore should not deny them the right to keep it.

Councillor J Geary stated that his concerns were that the report stated that whilst some trees would be lost, it would not be significant and a dense area of trees would be retained however some had already been removed. He advised the Ward Member that to avoid further loss, a TPO should be applied for to ensure that it did not happen again. His main concern was the application site went behind the neighbouring property therefore denying the owner the opportunity to extend their land and reducing their privacy. Unless he heard anything to the contrary he would be voting against the application.

Councillor J Bridges confirmed that a neighbouring property no longer having the same opportunity to extend its garden was not a planning ground.

Councillor M Specht stated that he would not be supporting the application, he accepted that the devaluation of properties was not a material planning consideration however when the properties were bought the planting area was part of the permission of the site. He expressed concerns that off-site planting should be provided elsewhere in the district however it would not benefit the residents surrounding the application land that would be losing the trees. He felt that the trees were part of the original permission and therefore should remain, adding that he was embarrassed for the developer selling the land off for whatever reason.

Councillor R Canny stated that most people would love bigger gardens but should the application be permitted a lot of people would put in applications. She added that even though wildlife may not be seen during the day the chances are that it was there living under the protection of the brambles. She felt it would be shame to get rid of the open space.

Councillor D Harrison stated that having seen the site he was not worried that it would be a big loss as it was a small strip however he did feel a little sorry for 27. He advised that he could not see anything horribly wrong, it appeared that there was a worn pathway and could not see why the application should be refused as it was a small area and rather than being overgrown it would enhance the applicant's garden.

Councillor R Boam stated that there had been much mention of 27 and he felt that there was plenty of opportunity for the owners to purchase the land if they wished to. He highlighted that the applicant had stated there would be no building on the land, there would be no major change and the district would gain double the amount of trees. He could see not problems with the application.

The motion to permit the application in accordance with the officer's recommendation was put to the vote and declared LOST.

Councillor J Cotterill moved that the application be refused on the grounds that there would be a loss of green space. This was seconded by Councillor M Specht.

Chairman's initials

RESOLVED THAT:

The application be refused on the grounds that there would be a loss of open space

**45. A3
17/01083/FUL: ERECTION OF ONE DWELLING**

The Farm Manor Road Donington Le Heath Coalville Leicestershire LE67 2FW

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor R Johnson, Ward Member, addressed the Committee. He advised Members that he had been lobbied by both concerned residents and fleetingly by the developer, and that the application before them was no different to the previous one that had been considered a few months earlier. He stated that the developer could not be praised enough for the development as it was excellent with a great finish and most of the homes were occupied with large gardens and everyone had a garage. He informed the Committee that the proposed dwelling would be in a cramped area without a garage, it would not conform with the streetscape and would cause significant harm to conserving and enhancing the historic environment in a conservation area as set out in the NPPF paragraphs 131, 132, 134 and 137. He highlighted to Members that the future amenities of plot 14 adjoining the proposal would have a gable end at the bottom of the garden at a height of 8.25 meters blocking any sunlight that they could enjoy and that the developer had deliberately altered the garden fence line of plots 13 and 14 from the original planning permission to squeeze the dwelling in. He expressed concerns that there would be no affordable housing along with the loss of open space. He urged the Committee to be consistent and refuse the application and insist that the developer reverts back to the original planning permission.

Councillor S Palmer, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He reminded Members that they had refused a similar application only a few months previously for sound and sensible reasons and as such remained relevant for the application in front of them as none of the issues raised had been addressed. He advised Members that the application would harm the setting of an unlisted heritage asset in the conservation area even more. He urged Members to maintain a consistent approach and refuse the rehashed application.

Councillor J Legrys moved that the application be refused as the application was shoe horning an additional dwelling that did not conform with the original development of the site and the proposed dwelling would have no proper off street parking provision provided, therefore cars would be parked on the roads of the development or on the busy highway network. He stated that his main reason for refusing the application was that the original application was for a number of dwellings that meant that S106 contributions were avoided and now the development had been completed the developer was asking for one extra property that had it been considered with the original application would have required S106 contributions towards schools, play areas and so on. He stated that the grounds for refusal were retrospective planning application, it was shoe horning into a development that could not be sustained and it would have a detrimental effect on Donington Manor House. It was seconded by Councillor R Boam.

Councillor M Specht sought clarification from officers as to whether or not the fence lines for plots 13 and 14 had already been altered or were they still to be changed as if the boundaries had already been altered had a variation been applied for and approved.

Chairman's initials

The Head of Planning and Regeneration advised Members that the proposal in front of them was to alter the fence lines and that had the fences already been moved then it had been done so in breach of the planning permission therefore, it would be passed to planning enforcement to investigate to ensure that they were building in accordance with the permission should the application be refused. However, should Members be minded to permit it would be an academic point.

Councillor M Specht stated that if it was unknown if the permission had been breached it would not be pertinent to permit the proposal before them if there was then to be planning enforcement.

The Head of Planning and Regeneration advised Members that they should consider what was in front of them. If Members were comfortable to permit the application then no investigation would be carried out.

Councillor J Bridges put it to Councillors J Legrys and R Boam that it would be preferable if the reason for refusal were the same as the one given by the Committee for application 17/00020/FUL in July. Councillors J Legrys and R Boam agreed.

RESOLVED THAT:

The application be refused on the grounds that the development would have a significant detriment to the character and appearance of the streetscape and would harm the significance of heritage assets.

Councillor M B Wyatt left the meeting at 5.51pm
Councillor P Purver left the meeting at 6.18pm

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.30 pm