

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 13 March 2018

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors S McKendrick, T J Pendleton, S Sheahan and A V Smith MBE

Officers: Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr J Newton, Miss S Odedra and Ms E Overton

74. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P Purver.

75. 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 A2, application number 17/01593/FUL, as Members of Whitwick Parish Council who had considered the application.

Councillors J G Coxon, J Houl and G Jones declared a non-pecuniary interest in item A1, application number 17/01556/REMM, as Members of Ashby Town Council who had considered the application.

Councillor J Legrys declared a pecuniary interest in item A2, application number 17/01593/FUL, as he was an acquaintance of the applicant.

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

Item A2, application number 17/01593/FUL
Councillors R Johnson and J Legrys.

76. MINUTES

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

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

RESOLVED THAT:

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

77. 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.

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- 78. A1**
17/01556/REMM: ERECTION OF 71 DWELLINGS, INTERNAL ACCESS ROADS, LANDSCAPING, OPEN SPACE AND WOODLAND PLANTING (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REFERENCE APP/G2435/W/15/3137258)
 Land At Butt Lane Blackfordby Derby

Officer's Recommendation: PERMIT

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

Councillor S McKendrick, ward member, addressed the Committee. She highlighted that outline permission had been granted for development and she was speaking to them to emphasise the importance of having consideration for the views and comments of local residents who had maintained a range of concerns about the development. She stated that the number of affordable housing proposed was disappointingly low and that the additional land required for bungalows should not be an argument to limit the overall number given the percentage of larger properties proposed for the site and the land they too will take up, adding that in a village location there would always be an argument for a commuted sum to go to other 'higher demand' areas'. She expressed that all conditions laid out in the original outline permission for 81 properties should be fully discharged and that the green space and screening between the new development and the existing residents on Fenton Ave was essential for both new and existing residents to enjoy their own space with some privacy. She agreed that re-routing a footpath around the site made sense and would provide a more attractive route for walkers but asked the Committee to remember that those who lived in the village and used the footpath would need to walk much further if the route was not considered carefully.

Councillor S McKendrick highlighted that the access and egress onto Butt Lane and visibility along the boundary of the site needed to take account of visibility for both those on the road and those exiting onto the road from the development, as it was a matter of record that vehicles did speed along Butt Lane, didn't have due regard for road conditions and wouldn't take due care as they approached the entrance of the development. She expressed that the safety of everyone had to be paramount and that the drainage had to be considered at all stages of the development to ensure there was no wider impact than that already occurred to properties, in particular those closest to the development site.

Mr R Nettleton, objector, addressed the Committee. He stated that he could only re-enforce Councillor S McKendrick's comments however he felt that the application may be void as officers had misinterpreted the law on the original application as there was no masterplan to accompany the application. He felt that too many issues had been left to determination by officers rather than public consultation including flooding, overflowing sewers, effects of past mining work and a full investigation of opencast and unrecorded landfill. He stated that eyewitness evidence had been ignored and that other issues included substandard roads, lack of footpaths, traffic speeds and overloading of local services. He highlighted that there had been a disregard for people's property and work had already started on the site despite the conditions, adding that it gave the public little encouragement on the effectiveness of the conditions. He hoped that the Committee would reject the application so that further information could be obtained.

Mr I Pickering, agent, addressed the Committee. He advised that he had lived in the area for much of his life, he knew the site and he would ensure that a high quality scheme was put forward. He stated that in relation to drainage the site would include a attenuation pond that would hold the water as this would deal with flooding concerns, that there would be a good mix of homes within the site and that there was too much land for the number of housing proposed. He informed Committee that public consultation events had been held and that they had met with the Town Council. He highlighted that the site would include

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bungalows and the roads had met approval from the Highways Authority. He urged the Committee to permit the application.

The officer's recommendation was moved by Councillor N Smith, seconded by Councillor D Harrison.

Councillor J G Coxon sought advice from officers on whether the application could be deferred to allow answers to be provided to the questions and points raised by the objector.

The Planning and Development Team Manager advised that in terms of issues raised there were detailed conditions on the outline approval that needed to be discharged before work could be started and would still be valid therefore, there was no reason to defer that application.

In response to a further question from Councillor J G Coxon, the Planning and Development Team Manager advised Members that the percentage of affordable housing was detailed in the report and there was a lower number on site and it was due to a need for bungalows, which the Council's Affordable Housing Enabler had no objections to.

In response to questions from Councillor J Bridges, the Planning and Development Team Manager advised Members that:

- In terms of the drainage, there was a condition on the outline permission that required a water drainage scheme to be permitted and that a note could be added that a temporary construction drainage scheme be included.
- In terms of land contamination, there was a very detailed condition on the outline permission which would need to be complied with. The appeal notice stated that an assessment needed to be carried out before works commenced.
- In terms of work already commencing, with the exception of some fencing and netting, it appeared when on the site visit that work had not started.
- In terms of the Masterplan, there was a condition on the outline permission that a comprehensive plan be submitted including indicative details and officers were satisfied that the layout plan submitted covered what was required.

Councillor R Canny stated that she welcomed the landscaping that had been planned to protect merging into Woodville. She noted the concerns over where the section 106 monies would go in relation to education as it was noted previously that the local school was oversubscribed and whether that was still the case and if so, would the money be allocated to the other schools and would transport be provided. She welcomed the play area that would be included.

Councillor R Adams expressed his concerns over the reduced level of affordable housing as the authority now had a credible Local Plan that set out the percentage of housing required on developments and developers were ignoring it, therefore he could not support the application.

Councillor J Legrys stated that he echoed Councillor R Adams comments and that when the application came to Committee, there were concerns over flooding that was evident on the site visit. He felt strongly over issues that could arise over future flooding problems.

Councillor M Specht asked how much 15% for offsite affordable housing would be in money. He stated that he was happy to support the officer's recommendation.

The Chairman advised Councillor M Specht that officers were unable to provide him with the amount at that time, but they would get an answer to him.

Councillor J Legrys requested a recorded vote.

In accordance with the recommendation of the Head of Planning and Infrastructure (Motion)	
A recorded vote having been requested, the voting was as follows:	
Councillor Ron Adams	Against
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor Rachel Canny	Against
Councillor John Cotterill	For
Councillor John Coxon	Against
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor Jim Hault	Abstain
Councillor Russell Johnson	Against
Councillor Geraint Jones	For
Councillor John Legrys	Against
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Councillor David Stevenson	For
Councillor Michael Wyatt	For
Carried	

RESOLVED THAT:

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

- 79. A2**
17/01593/FUL: RESIDENTIAL DEVELOPMENT INCLUDING RETENTION OF EXISTING DWELLING AND ERECTION OF SEVEN NEW DWELLINGS INCLUDING ACCESS AND PARKING ARRANGEMENTS
 81 & 81A North Street Whitwick Coalville Leicestershire LE67 5HB

Officer's Recommendation: PERMIT

Having declared a pecuniary interest in item A2 Councillor J Legrys left the meeting and took no further part in the discussion and voting thereon.

The Senior Planning Officer presented the report to Members.

Ms S Chalmers, objector, addressed the Committee. She advised Members that her role within the surgery was to oversee the running of the clinic and the health and safety of the users. She informed the Committee that the only access to the site was over land owned by the NHS, which was the result of a wayleave agreement granted in 2012, which was for 2 properties only. She added that the plans to shorten the pavement on the designated walk ways into the surgery to create easier turning into the development were unacceptable and dangerous. She highlighted that the number of users to the health centre had continually increased therefore the car park was well used by not just visitors to the centre but also local residents, and the additional dwellings would add to the problem. She also expressed concerns over safety of frail patients who experienced issues getting across the car park, the impact of emergency vehicles getting to the centre and safety during the construction. She asked Members to take into consideration the increased provision of health services in the area due to an increased population which

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meant longer opening times and access being required more. She asked that the concerns were taken on board and urged the Committee to refuse the application.

Ms M Ferguson-Jones, objector, addressed the Committee. She advised that she had opposed the development of the land since 2008. She highlighted that the original plan of 5 new dwellings along with the original 2 had been passed but now the developer was trying to increase the number of properties and due to the change of layout her property would have a window overlooking it. She stated that she had taken advice over the issue and that in relation to plots 4, 5, 6 and 7 they would have a case for a right to light. She informed Members that her property was on a lower level and that it would be as though they were being overlooked by a small block of flats. She stated that parking was also a major issue as she lived on a busy road which was used by visitors to the health centre when the car park was full, and as North Street was mainly double yellow lines the owners of the existing cottages would struggle to park. She also expressed her disappointment over the consideration the developer had for existing residents when starting to clear the site at the weekend and the high noise level they had experienced from the machinery and birds chirping as the hedges were cut.

Councillor R Woodward, on behalf of Whitwick Parish Council, addressed the Committee. He stated that the original application should not have been passed and neither should the application before the Committee. He highlighted that the access was through an extremely busy car park that served two surgeries, that the access land was a wayleave not a shared drive and the access to the car park was dangerous as those that could not park on the car park would then park on the road in front of the health centre. He felt that the proposed development was too big for the site as it would need to accommodate parking for up to 14 vehicles. He drew Member's attention to the number of objections that had been received, the levels of the new properties in relation to the existing properties and the safety concerns raised by the health centre and urged the Committee to refuse the application.

Councillor D Everitt moved that the application be refused on the grounds of over intensification of the site. This was seconded by Councillor V Richichi.

Councillor D Everitt felt that the Council would become a laughing stock if it approved the application as the area was one of the busiest areas in Whitwick as parking for the health centre was difficult. He felt that the proposed development was dangerous for the users. He felt that the five dwellings that were already permitted was too many and that the authority needed to do the best it could to preserve the area as it was used by the wider community. He also expressed concerns over the increase in traffic levels on the road. He stated that the Committee should protect the residents.

Councillor R Adams stated that he had visited the surgery in the past and that what the Committee had seen on the site visit was not a true reflection of the usage of the car park, and that most of the time vehicles were parked on along the hedgerow and that trying to get in and out was a safety concern and was dangerous.

Councillor N Smith stated that he had been asked to make the following points on behalf of Councillor T Gillard, who was unable to attend the meeting due to work commitments. Councillor T Gillard felt that the development would cause problems with access and egress of the site, that North Street was incredibly busy and he was concerned that the medical centre had not been included in the consultation.

Councillor D Harrison stated that it was an interesting debate and acknowledged the concerns of the speakers. He felt that the entrance was wide enough and understood that the parking for the development would be within the site and therefore not using the car park of the health centre. He stated that the access issues over the land was not a planning consideration and that the application that had been submitted was legitimate

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which he would support. It would be up to the NHS to lodge a legal challenge to the access regarding ownership.

Councillor G Jones felt that an opportunity had been missed as the two additional properties should have been bungalows.

Councillor R Johnson highlighted that had the site been at the edge of a row of cottages it may have been a different story. However, it had been raised that there was no agreement for access and therefore questioned whether the Committee sought to put the health of residents before access as it was a dangerous stretch of road. He stated that he could not support the application as he knew from his own surgery that the car park was not big enough. He highlighted that the plan included the road which was not owned by the developer and the access had not been agreed therefore he could not support that application.

Councillor D Stevenson stated that if the access was owned by the NHS, why had they not advised the developer that they would not grant access for any additional dwellings.

Councillor M Specht highlighted the statement that the wayleave was between the NHS and the 2 properties and asked if the Council was aware of that. He understood Members concerns over the traffic but he stated that he would not expect the health centre to restrict patient's use of the car park due to safety concerns. He highlighted that work could be carried out on trees and hedgerows between the end of September to the end of March and that the Planning Committee had to consider planning matters only, and in relation to the application before them there were no grounds for refusal.

In response to a questions from Councillor J Bridges, the Planning and Development Team Manager advised Members that in the original application approved in 2016, the access to the site was the same as now proposed, albeit the internal layout within the site had changed to reflect the additional two dwellings.

Councillor J Bridges stated that there could be grounds for refusal for over intensification of the site, however the NHS had ample opportunity to act on the access issues and he would be supporting the officer's recommendation.

In response to a question from Councillor J Hoult, the Planning and Development Team Manager advised Members that the applicant had served notice of the application on the NHS and therefore followed the correct procedure.

Councillor N Smith stated that he had heard a lot of emotional and emotive arguments but the Committee was not there to consider emotion and that the NHS had had the opportunity to consider the access issues.

Councillor R Adams requested a recorded vote.

The Head of Planning and Infrastructure advised Members that over intensification was an acceptable reason for refusal but not a strong one however highways issues would not be a reason for refusal as LCC highways had no objections to the application.

The mover and seconded agreed that the reason for refusal was over intensification of the site only.

Refusal of the application due to over intensification of the site (Motion)	
A recorded vote having been requested, the voting was as follows:	
Councillor Ron Adams	For
Councillor Russell Boam	Against

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Councillor John Bridges	Against
Councillor Rachel Canny	Abstain
Councillor John Cotterill	Against
Councillor John Coxon	For
Councillor David Everitt	For
Councillor Dan Harrison	Against
Councillor Jim Hault	For
Councillor Russell Johnson	For
Councillor Geraint Jones	Against
Councillor Virge Richichi	For
Councillor Nigel Smith	Against
Councillor Michael Specht	Against
Councillor David Stevenson	Against
Councillor Michael Wyatt	Against
Rejected	

The motion was LOST.

The officer's recommendation was moved by Councillor D Harrison and seconded by Councillor J Bridges.

RESOLVED THAT:

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

Councillor J Legrys returned to the meeting

80. A3
17/01608/FUL: CONVERSION AND EXTENSION OF OUTBUILDING AND GARAGE INTO FIVE RESIDENTIAL UNITS FOR HOLIDAY ACCOMMODATION
 Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN

Officer's Recommendation: PERMIT

The Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor J Bridges and seconded by Councillor J Legrys.

RESOLVED THAT:

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

81. A4
17/01580/LBC: CONVERSION AND EXTENSION OF OUTBUILDING AND GARAGE BLOCK INTO FIVE RESIDENTIAL UNITS FOR HOLIDAY ACCOMMODATION
 Breedon Hall Main Street Breedon On The Hill Derby DE73 8AN

Officer's Recommendation: PERMIT

The Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor J Bridges and seconded by Councillor J Legrys.

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RESOLVED THAT:

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

82. A5

17/01053/FUL: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE (SIZES AND DESIGN OF DWELLINGS AMENDED FROM PREVIOUS APPROVAL 15/01005/FUL)

Land At Queens Street Measham Derby

Officer's Recommendation: PERMIT

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

Ms P Wheatcroft, objector, addressed the Committee. She advised members that when the application had been previously considered the Committee was told that it complied with the 6Cs document, which in her view it did not, and that the title deed document showed that the land was in the ownership of the applicant, which according to her it was not. She reminded Members that she had advised the Committee that she felt that the development was a poor design and that it would not fit within the site, which in her view was correct. She informed the Committee that she had actively tried to engage with the developer to obtain a written undertaking to implement the tree protection plan submitted with the previous application, which had not been included with the application before them and that she had not yet received a response, adding that she felt that the developer had no intention of carrying out the plan. She highlighted that Members were being asked to make a decision on the height of the properties, the site plan showed no levels and had been drawn as though the ground was flat. She stated that if the future residents of plot 2 were to step out of the back of the proposed dwelling there would be a 6-8 foot drop. She stated that the application was passed previously with incorrect information and there was an assumption that it would be passed again, and that just adding conditions would sweep the issues under the carpet. She urged the Members not to progress that application without the tree protection plan and the detailed site plan.

Councillor S Sheahan, neighbouring ward member, addressed the Committee. He advised Members that the development of the site had been to Committee on several occasions. He welcomed the commitment from officers to consult with the neighbours over the boundary treatment, however it did not get away from the fact that the site was being over developed. He felt that officers and the developer should come together to create a high quality design that incorporated Queensway House. He felt that the Committee could not make a decision on the amendment to the height of the dwellings without further information and requested that the application be deferred until more detailed information could be presented.

The officer's recommendation was moved by Councillor J Coxon and seconded by Councillor V Richichi.

Councillor D Harrison stated that he had made many visits to the site and the only change in the application was the height and depth of a few inches. He felt that if the Committee was to defer the application it would be abdicating its duty, that before them was a correct application and that the site was well known and as such the next time he visited the site would be to see a completed development. He added the site was a mess and that it would provide much needed housing in the area.

Councillor R Johnson sought clarification as to whether the 6Cs standard had been complied with in the application.

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The Planning and Development Team Manager advised that it did not but that the Highways Authority was satisfied that there was sufficient off street car parking and there was no impact on highway safety.

Councillor J Legrys stated that were a number of issues that had been highlighted but were not the concern of the Committee, however his own concern was that if the application did not meet the 6Cs standard, the road would not be adopted and therefore the authority would not collect the waste bins from the site. He asked how far the residents of the new development would have to take their waste to the nearest highway point for collection.

The Planning and Development Team Manager advised that waste services had confirmed that they would reverse onto the site on the private drive providing that the applicant was willing to enter into an agreement to indemnify the Council against any future maintenance costs.

Councillor J Legrys requested that, should the application be agreed, a note to the applicant was added stating that it was to be made clear to the new residents that they would have to position bins for collection at correct points.

RESOLVED THAT:

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

Councillor A V Smith entered the meeting at 5.35pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.00 pm