

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 JANUARY 2015

Present: Councillor D J Stevenson (Chairman)

Councillors A Bridges (Substitute for Councillor T Gillard), J Bridges, J Cotterill (Substitute for Councillor G A Allman), J G Coxon, D Everitt, J Houlton, D Howe, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan (Substitute for Councillor R Adams), N Smith, M Specht, R Woodward and M B Wyatt

In Attendance: Councillors J Geary and T J Pendleton

Officers: Mrs V Blane, Mr C Elston, Mr J Knightley, Miss E Mattley, Mrs M Meredith and Mr J Newton

## **89. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Adams, G A Allman and T Gillard.

## **90. DECLARATION OF INTERESTS**

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

Councillors A Bridges, J Bridges, J Cotterill, J G Coxon, D Everitt, J Houlton, D Howe, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan, N Smith, M Specht, D J Stevenson, R Woodward and M B Wyatt declared that they had been lobbied without influence in respect of item 6, Receipt of Advice in Respect of Planning Application 13/00335/OUTM for Residential Development and Associated Development at Money Hill Site, Ashby De La Zouch.

Councillor S Sheahan declared a disclosable non-pecuniary interest in item A1, application number 10/00775/OUTM, as a Member of Leicestershire County Council.

Councillor D Howe declared a disclosable non-pecuniary interest in item A1, application number 10/00775/OUTM, as a Member of the East Midlands Housing Group Active Stakeholder Forum.

Councillor J Legrys declared that he had been lobbied without influence in respect of items A1 and A2, application numbers 10/00775/OUTM and 14/00875/FUL.

Councillors A Bridges and J Bridges declared a disclosable pecuniary interest in item A3, application number 14/01006/FUL, as the application had been submitted by their son.

Councillors J G Coxon, J Houlton and G Jones declared a disclosable non-pecuniary interest in item A4, application number 14/00980, as Members of Ashby Town Council.

The Chairman requested that a letter be sent to Councillor G A Allman following his recent operation.

## **91. MINUTES**

Consideration was given to the minutes of the meeting held on 2 December 2014.

The Legal Advisor read out an amendment to the minutes which had been requested by Councillor R Johnson as follows:

Chairman's initials

“Correction to the minutes page 321.

Line 3 He commented that this was just plain daft.

What I actually said was And to have 2 new villages within the Hugglescote Parish boundary was just plain daft.

Line 7 He commented that the villages should not be seen as a dumping ground for developers profits.

Line 13 He commented that no amount of money would solve the traffic problems if the highway was not fit for such a large development. He added that the by pass would have partly solved the problem with the lack of infrastructure, but this was not an option.

What I did say was no amount of money thrown at all the road junctions and Islands around our town will solve the traffic problems as we still have the branches of highway not fit for such a large development such as this.

Line 21 bottom of the page. He added that having one of the narrowest parts of Forest Road as an access was a crazy idea and asked if this was reasonable considering that this was an accident hotspot.

What I actually said was, access points of an only bus lane road onto one of the narrowest part of Forest Road from the proposed site is a crazy idea, and to top it all an access point close to Newbridge school on a renowned accident hotspot. I ask the question is this reasonable.

Page 322 He commented that the development would be with the residents for a very long time and asked if this was worthwhile. What I actually did say was the plans look wonderful on a piece of paper but in reality there will be a lot of upheaval for all of our residents for a very long time. Is it worth it. The residents are not of the persuasion of the short time pain for the long time gain scenario”.

It was agreed that the minutes be amended to reflect this.

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

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 2 December 2014 be approved and signed by the Chairman as a correct record.

## **92. 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.

### **93. A1 10/00775/OUTM: ERECTION OF UP TO 24 DWELLINGS (OUTLINE-ALL MATTERS RESERVED)**

Land At Kane Close Coalville Leicestershire LE67 3RF

Officer’s Recommendation: PERMIT subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Chairman’s initials

Councillor J Geary, Ward Member, addressed the meeting. He referred to his knowledge and understanding of the Snibston site gained during the last 17 years of his working life. He also referred to the previous application which had been approved in September 2011. He commented that he would have expected this application to be the same, however there were radical changes to the layout. He reminded Members that the previous site was larger and had permission for 21 dwellings; however this smaller site was seeking permission for 24 dwellings. He asked whether this was acceptable. He made reference to the concerns raised in respect of the dwellings bordering a scheduled monument site and the overbearing impact that this could have unless the development was linked into the monument site. He added that the dwellings bordering the scheduled monument site should be single storey. He referred to the request that the layout of the site be discussed with the Coalville Ward Members and he hoped that such a condition would be made to ensure that the developer discussed the proposals with Members in order to reach an acceptable scheme. He expressed concerns regarding surface drainage and requested a condition regarding the future maintenance of the ditch, which was already becoming heavily silted. He added that the issues around the joint ownership of the ditch needed to be resolved.

Councillor J Bridges moved that the application be permitted in accordance with the Head of Planning and Regeneration. This was seconded by Councillor N Smith.

Councillor A Bridges referred to the problems she had experienced in her area regarding surface drainage issues. She added that it would be positive to establish who owned what and how the run-off water would be dealt with.

Councillor R Johnson commented that the application seemed to change every so often and had been amended as recently as yesterday. He added that 21 dwellings was acceptable to the developer in 2011, and questioned why this was not the case now. He commented that the developer seemed to want to squash in as much as possible and it was not acceptable that people were living in boxes. He added that he hoped a condition was included to ensure that Ward Members were consulted. He questioned why there was no provision for a play area. He expressed concerns that the plans kept changing.

Councillor J Legrys stated that he shared Councillor R Johnson's concerns about the changing plans and expressed his disappointment that the plans before Members differed to those on the Council's website and the boundary which had been discussed at the briefing. He called for accuracy. He made reference to the previous permission and the minutes of that meeting which commented on the lack of consultation at that time. He added that the issue of Snibston would be very sensitive in the coming days.

The Chairman reminded Members that what was under discussion was the land in the ownership of East Midlands Housing Group.

Councillor J Legrys commented that East Midlands Housing Group had made it clear that they did not intend to build beyond the wall. He called for a proper consultation with Ward Members. He expressed concerns regarding the noise complaints from the dwellings along the boundary and added that he did not want to see two or three storey dwellings along that side. He added however that the land had already been sold and it was preferable to deal with the application properly rather than to seek a refusal. He sought reassurance from officers that Ward Members would be properly consulted and would have some influence over the reserved matters.

The Chairman referred to the condition set out in the report in respect of surface drainage. He added that a note to the applicant would be included in respect of consultation with Ward Members on the layout of the scheme. He added that the houses were very much needed in the area and he hoped Members would support the application.

Councillor M Specht stated that personally he was not a big believer in play areas. He commented that the proposed development was wholly affordable and was much needed in Coalville and the whole district. He added that he would be supporting the application.

Councillor J Bridges stated that he believed all the concerns raised had been addressed in conditions 1, 2, 5, 6 and 7.

The Chairman then put the motion to permit the application to the vote. It was

RESOLVED THAT:

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

**94.**

**A2**

**14/00875/FUL: DEMOLITION OF PUBLIC HOUSE AND CHANGE OF USE OF LAND TO A RESIDENTIAL MOBILE HOME PARK**

Navigation Inn 166 Spring Cottage Road Overseal Swadlincote

Officer's Recommendation: PERMIT

The Planning Officer presented the report to Members.

Mr P Taylor addressed the meeting on behalf of the applicant. He stated that the Navigation Inn had been struggling to survive for several years. He referred to the seasonal fluctuation in income and the financial problems experienced by the last two licensees, and commented that this was clearly not a viable pub business. He added that this was a brownfield site, the majority of which was inside the limits to development, and the proposals were sustainable. He stated that there would be no adverse impacts upon neighbours as the proposals were less likely to cause noise at unsocial hours and there would be no impact on traffic movements or ecology. He concluded that there was nothing to suggest the proposals were contrary to policy and therefore the application should be granted.

Councillor S Sheahan sought clarification on the proportion of the site that was inside the limits to development. He also expressed concerns about the sustainability of the site given that there was no bus service and Leicestershire County Council was of the opinion that the development was not sustainable. He commented that Overseal was at least a mile walk and the nearest school was 1.8 miles away.

The Planning Officer advised that almost the entirety of the site was inside the limits to development. In respect of the bus service she confirmed that the nearest service was from Overseal.

Councillor S Sheahan stated that according to the Traveline website, the quickest way to get to Overseal from the development site was to walk. He asked if officers believed the development was still sustainable without any bus service.

The Planning Officer advised that there was a footpath which ran all the way to Overseal and this was within walking distance. She referred to a nearby site which had been permitted and which was further away from Overseal. She reiterated that she believed the development was sustainable.

Councillor S Sheahan felt that it may have been misleading to say that the development was sustainable. He added that he was inclined to believe the contrary opinion of Leicestershire County Council, and given that some of the site was outside the limits to

Chairman's initials

development, he felt that there were grounds to refuse the application. He duly moved that the application be refused on those grounds. The motion was seconded by Councillor J Legrys.

Councillor J Geary stated that he was very sorry to hear that another country pub was falling by the wayside. He expressed concerns regarding highway safety and commented that the last thing he wanted was another Pick and Shovel. He commented that despite his reservations he would be voting in favour of the proposals.

Councillor M Specht expressed grave concerns regarding the sustainability of the development as there were no local services whatsoever. He commented that people would be reliant on cars. However, he added that the development would cause less vehicle movements than the pub, so despite his concerns he would be supporting the application.

Councillor J Bridges stated that he had several concerns however he did not consider that a refusal could be defended.

The Chairman commented that this was a brownfield site which had been empty for over two years. He added that given that permission had been granted further away over the road, a refusal could not be defended.

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

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

RESOLVED THAT:

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

95.

**A3**

**14/01006/FUL: ERECTION OF TWO SEMI-DETACHED DWELLINGS AND ASSOCIATED WORKS (RE-SUBMISSION OF 11/00160/FUL)**

15 Ashby Road Donisthorpe Swadlincote Derby

Officer's Recommendation: PERMIT

Having declared a disclosable pecuniary interest, Councillors A Bridges and J Bridges left the meeting during consideration of this item and took no part in the discussion or voting thereon.

The Planning Officer presented the report to Members.

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

RESOLVED THAT:

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

**96. A4**  
**14/00980/FUL: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE AND REAR EXTENSIONS TO FARM WORKERS DWELLING**  
 The Orchard Nottingham Road Ashby De La Zouch Leicestershire

Officer's Recommendation: PERMIT

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

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

RESOLVED THAT:

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

**97. EXCLUSION OF PRESS AND PUBLIC**

Councillor J Legrys sought clarification on the reasons that the report was to be considered in private.

The Head of Planning and Regeneration advised that this was to protect the Council's interests in an ongoing appeal.

Councillor J Legrys commented that the report gave a précis of the advice received and he could see nothing which should be exempt. He sought reassurance from the Legal Advisor that this could not be challenged through the Freedom of Information process.

The Legal Advisor stated that legal advice to the authority was legally privileged and had been précised in the report. She added that at this stage, the authority would not want the appellant to have knowledge of the legal advice and if they were able to read the report they would be able to deduce what legal advice had been given as it would be abundantly clear from the report.

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

**98. RECEIPT OF ADVICE IN RESPECT OF PLANNING APPLICATION 13/00335/OUTM FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED DEVELOPMENT AT MONEY HILL SITE, ASHBY DE LA ZOUC**

Consideration was given to the report of the Head of Planning and Regeneration.

RESOLVED THAT:

The recommendations as set out in the report be approved.

Councillors G Jones and J Legrys requested that it be noted that they had abstained from voting.

The meeting commenced at 4.30 pm.  
 The Chairman closed the meeting at 5.39 pm.

Chairman's signature