

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 FEBRUARY 2016

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Ashman (Substitute for Councillor G A Allman), J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison (Substitute for Councillor R Boam), J Hoult, R Johnson, G Jones, J Legrys, V Richichi, N Smith and M Specht

In Attendance: Councillors J Clarke, S McKendrick and T J Pendleton

Officers: Mr C Elston, Mrs A Lowe, Miss E Mattley, Mr R McKillop, Mr A Mellor, Mr J Newton and Mrs R Wallace

### **93. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G A Allman and R Boam.

### **94. DECLARATION OF INTERESTS**

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

Councillors J Cotterill and M Specht declared a non pecuniary interest in item A3, application number 15/01148/OUT as members of Coleorton Parish Council.

Councillors J G Coxon, J Hoult and G Jones declared a non pecuniary interest in item A1, application number 15/01078/OUTM as members of Ashby Town Council.

Councillor D Harrison declared a non pecuniary interest in item A2, application number 15/01097/FUL as an acquaintance of the applicant.

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

Item A1, application number 15/01078/OUTM  
Councillors R Adams and J Legrys.

Item A2, application number 15/01097/FUL  
Councillors R Adams, R Ashman, R Canny, J Cotterill, J G Coxon, D Everitt, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, N Smith, M Specht and D J Stevenson.

Item A3, application number 15/01148/OUT  
Councillors M Specht and D J Stevenson.

Item A4, application number 15/01062/OUT  
Councillors R Adams, R Canny, D Harrison, R Johnson and J Legrys.

### **95. ADMISSION OF ADDITIONAL ITEM**

The Chairman advised Members that an additional item needed to be considered by the Committee before the next meeting and as the report was exempt it would be considered at the end of the meeting.

RESOLVED THAT:

By reason of special circumstance in that an additional item of business needed to be considered before the next meeting of the Planning Committee, the item entitled 'Receipt

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of Advice in Respect of Application Number 15/00083/OUTM' should be considered at this meeting as a matter of urgency in accordance with Section 100B(4)(B) of the Local Government Act 1972.

## 96. MINUTES

Consideration was given to the minutes of the meeting held on 5 January 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 5 January 2016 be approved and signed by the Chairman as a correct record.

## 97. 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.

## 98. A1

### **15/01078/OUTM: RESIDENTIAL DEVELOPMENT (UP TO 91 DWELLINGS) AND ASSOCIATED INFRASTRUCTURE (OUTLINE - ACCESS ONLY) RE-SUBMISSION OF 15/00306/OUTM**

Land North Of Butt Lane And East Of Hepworth Road Woodville/Blackfordby Swadlincote

Officer's Recommendation: PERMIT Subject to a Section 106

The Planning Officer presented the report to Members.

The Chairman advised Members that he had received a letter from Andrew Bridgen MP stating that he maintained his objection to the application.

Councillor S McKendrick, Ward Member, addressed the Committee. She reminded Members of the high number of local objections to the application and highlighted how important it was to keep the area of separation between the villages and between Derbyshire and North West Leicestershire. She commented that it was a rural location with few facilities which would be put under increasing pressure; therefore she did not believe it was sustainable. The GP surgery and the school could not accommodate the proposed increase in demand and the occupiers of the development would use Woodville's services. She felt it was essential to maintain the relief road as the boundary of the settlement, as it added to the character of the village and development outside it would be insensible as well as an intrusion into the countryside. She urged Members to refuse the application.

Mr M Ball, Town Councillor, addressed the Committee. He commented that the village was close to the national forest and had its own identity and if the application was permitted, the physical separation between the villages would be removed. He stated that the site was outside the limits to development within the emerging local plan and was contrary to Policy S3. He added that there was no need for the development, as the Committee had already approved 11,400 houses and further approval following appeals was likely, which he believed meant that the housing requirement had already been met. The five year supply was correct in August and the Willesley Road Inspector agreed. . He felt that the site was unsustainable as there were no retailers and the GP surgery and school was already full to capacity. He raised concerns that new residents would be reliant on motor vehicles and that the highways would struggle to cope with the increase

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in traffic. He asked Members not to destroy Blackfordby to achieve housing supply figures that had already been met and urged for refusal.

Mr R Nettleton, objector, addressed the Committee. He reminded Members that permission had been refused before and urged for them to do the same again. He suggested that the Greenhill Road appeal decision was not so authoritative as was being stated and asked Members to consider the Willesley Road appeal decision. He raised the following concerns:

- The school and GP surgery were already overstretched and there was no post office.
- Blackfordby would be absorbed into Woodville and the unique identity lost.
- There would be more vehicles on the roads.
- The village was currently used as a rat run to avoid Woodville and would become worse.
- Speeding on Butt Lane had already been confirmed and there was a lack of footpaths.
- The flooding in the area and the impact on the River Mease had not been considered.

Mr A Ward, agent, addressed the Committee. He advised Members that their concerns from the previous refused application had been addressed and that the site was not protected against development. He assured Members that the site did not impact the countryside, there was a sustainable drainage system, the area of separation would still be 600 metres and there were no technical objections. He added that approval would contribute to the five year land supply and if Members were minded to permit then the current appeal on the refused application would be withdrawn.

For clarification, the Head of Planning and Regeneration explained that the Authority did have a five year land supply at the time of the Willesley Road appeal but as a result of the Greenhill Road appeal, the inspector determined that this was no longer the case and therefore, Members could not rely upon Policies S3/H1. Regarding the focus on facilities in the area, he explained that Section 106 contributions had been agreed to address the issues. He reminded Members that there had been no technical objections to the application from the Statutory Consultees.

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

Councillor M Specht commented that it was an excellent report and he could not see how Members could not support a development with 30 percent affordable homes. He stated that he was staggered at the amount of demand for new homes in the District and if Members continued to object then the Authority would not reach its targets. He felt that the houses proposed were needed to meet the five year land supply.

Councillor D Harrison acknowledged that it was a delicate application with lots of objection from local residents but overall he felt that it was a good proposal for a site that would eventually be developed. He supported the officer's recommendation.

Councillor J G Coxon stated that he could not support the officer's recommendation due to the loss of the area of separation and he did not believe that the application addressed the Town Council's concerns.

Councillor J Legrys shared Councillor J G Coxon's views and also raised concerns regarding the increase in traffic on the highways. He asked for assurances that as the proposal was for outline permission only, that if it was permitted, an application regarding the detail would be considered by the Committee. He reminded Members that areas of separation had been discussed before and defended at appeal and judicial review. He also raised concerns regarding the views of the urban designer and declared that he could not support the officer's recommendation.

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Councillor G Jones felt that the only way to resolve the matter was to make sure that better houses were built that compliment the area.

The Chairman reminded Members that the application was seeking outline planning permission and if permitted could come back to Committee to consider the design.

The Head of Planning and Regeneration reminded Members that there was no formal designation for an area of separation between Blackfordby and Woodville in the current local plan. In response to a question from Councillor R Canny he explained that as a result of the Greenhill Road appeal, the inspector concluded that the Authority could not demonstrate that it had a five year land supply and as a result the relevant housing policies of the local plan could not be relied upon for determining planning applications.

Councillor R Canny commented that it was a difficult decision for Members to make. Her main concern was that even though the Head of Planning and Regeneration gave his assurances that the education authority had agreed to the Section 106 contributions and therefore in planning terms it was sustainable, there was still not enough spaces in the school to accommodate the increase.

Councillor J Cotterill asked whether the Judicial Review case that Councillor J Legrys referred to was concerning the Green Wedge or an area of separation. The Planning and Development Team Manager confirmed that the case referred to concerned the Green Wedge.

The officer's recommendation to permit the application was put to the vote.

A recorded vote having been requested by Councillor J Legrys, the voting was as follows:

For the motion:

Councillors R Ashman, J Bridges, J Cotterill, D Harrison, G Jones, M Specht and D J Stevenson (7)

Against the motion:

Councillors R Adams, R Canny, J G Coxon, D Everitt, J Hault, R Johnson, J Legrys, V Richichi and N Smith (9)

Abstentions:

None (0)

The motion to permit was LOST.

At this point Councillor J Legrys moved for an adjournment for Members to consider the most appropriate reasons for refusal which was seconded by Councillor R Adams. On the advice of the Legal Advisor, the Chairman asked for clarification on the reasons for an adjournment. Councillor J Legrys responded that in accordance with the Constitution he would like legal advice in formulating the reasons for refusal.

The meeting was adjourned at 5.20pm and reconvened at 5.32pm.

Councillor J Legrys moved that the application be refused on the grounds of the debatable school places available, that development of the site would not be sustainable and the loss of the area of separation between the villages. It was seconded by Councillor R Adams.

The Head of Planning and Regeneration advised that the first two grounds for refusal be combined as sustainability issues rather than individually as this would be easier to

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defend in the case of an appeal. Councillor J Legrys re-affirmed the reasons for refusal as he had originally stated.

Councillor D Harrison felt that the reasons for refusal were not strong enough and if the Committee got the decision wrong the cost to the Authority could be enormous. The Committee had been advised against the proposed reasons for refusal and all residents of the whole District would be contributing to the bill. He stressed the importance of listening to the professional advice and on this occasion it would be difficult for the officers to defend the reasons for refusal that had been put forward.

Councillor D Everitt strongly voiced his views that the laws of national government stopped local councillors from doing what was right and supporting local people due to the focus on development.

The motion to refuse the application was put to the vote and the voting was as follows:

For the motion:

Councillors R Adams, R Canny, J G Coxon, J Houl, R Johnson, J Legrys and V Richichi (7)

Against the motion:

Councillors R Ashman, J Bridges, J Cotterill, D Everitt, D Harrison, G Jones, M Specht and D J Stevenson (8)

Abstentions:

Councillor N Smith (1)

The motion was LOST.

On the advice of the Legal Advisor, the Chairman put forward the officer's recommendation to permit to Members once again. It was seconded by Councillor J Bridges.

The voting was as follows:

For the motion:

Councillors R Ashman, J Bridges, J Cotterill, D Everitt, D Harrison, J Houl, G Jones, V Richichi, M Specht and D J Stevenson (10)

Against the motion:

Councillors R Adams, R Canny, J G Coxon, R Johnson and J Legrys (5)

Abstentions:

Councillor N Smith (1)

The motion was CARRIED.

RESOLVED THAT:

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

**99.**

**A2**

**15/01097/FUL: ERECTION OF ONE DETACHED DWELLING**

Land At Main Street Normanton Le Heath Coalville

Officer's Recommendation: Permit

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

Mr A Cooper, Parish Councillor, addressed the Committee. He explained that local people were not against development in the village and there had been no objections to the nearby wind farms, but they did however have many concerns regarding this proposal. He stated that the proposal was not in keeping with the area, the site was outside the limits to development, it was contrary to Policy E4, and it was unsustainable with no facilities in the village. He added that there was already traffic issues in the village and this proposal would exacerbate them. The sensitive area was adjacent to the site and the access road to the development. He believed the development would be harmful to the majority of residents. He concluded that applications to develop the site had been refused for the last 41 years and urged Members to do the same once again.

Mr M Roberts, Objector, addressed the Committee. He informed Members that his property was at the front of the site and he was assured that it was not suitable for development when he moved into the village. He explained that he had bought his property due to its position and this development would destroy that as the house would be up against his boundary and would overlook his property. He believed that moving the development 50 yards from where it was originally planned did not make a difference and felt that officers had relaxed policies to allow it to be permitted. He stated that the site was unsustainable as occupiers would be totally reliant on motor vehicles and the development would harm the whole village not only his home. He also stated that the development made an insignificant contribution to the five year housing land supply. He felt that no concern had been shown towards local people and urged Members to refuse the application.

Mr G Phillips, agent, addressed the Committee. He explained that the proposed development was very different to the previous application and all concerns from local residents and officers had been listened to. He stated that the development was now within the limits to development and outside the village's sensitive area, it did however extend three metres over the village envelope which officers advised would be acceptable. He concluded that there had been other developments in the village that had been permitted and that the proposed site had planning permission 40 years ago which people buying houses in the area would have been made aware of.

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

Councillor N Smith stated that there were 65 houses in the village and 55 objections had been made. He explained that he had been told by local residents that the previous owner of the site approached the Council after being diagnosed with terminal cancer and enquired into building a bungalow to move to so he could end his days in the village as he had lived there his entire life. The planning department had advised him not to pursue it. This was approximately two years ago. The Chairman was informed by officers that no application such as that referred to by Councillor N Smith had been received. Councillor N Smith confirmed that it had been informal discussions with the officers only.

Councillor V Richichi raised concerns that the driveway was within the village's sensitive area and still outside the limits to development, the nearest bus stop was two kilometres away from the site, it was unsustainable and there were no other properties in the vicinity that were the same height. He also commented that this proposal for one dwelling made a limited contribution to the five year land supply figure.

The Chairman clarified to Members that no applications had been submitted for this site historically.

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Councillor J Legrys commented that the application was difficult to consider as it was clear from the report that there was significant opposition to it. However, he noted that the village was not a Cotswold stone village and there were many modern style buildings that would have been constructed during the 1970's and 1980's within the village, and as the application was for one dwelling he would be supporting the officer's recommendation to permit.

Councillor D Everitt felt it was important to keep the character of villages such as this but after visiting the site he did not think it would have an impact as it was tucked away down the lane. He believed that the site was appropriate for one dwelling.

Councillor R Canny commented that she had voted to refuse the previous application because of the impact on the view but was happier now that the footprint had been moved. Her only concern was the proposed height of the development.

In response to a question from Councillor R Canny, the Planning and Development Team Manager reported that the application was for the dwelling to have a render and brick finish but if approved, materials was something that could be conditioned.

Councillor R Johnson commented that after visiting the site he could see that the nearby development on Highfield Close were three storeys high and they were built in 2013, therefore he could not see any issues with this application. He also commented on the well written report.

Councillor M Specht commented that he was looking at the application on its merits and as it was in a barely visible location from the village, he did not believe it would have a significant impact. He felt that residents would be no more reliant on cars than any other house in the village. He also added that as the majority of the village was built in the last 30 years the proposed dwelling would not affect the character as it was 'not a chocolate box village with architectural merit.'

RESOLVED THAT:

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

**100.**

**A3**

**15/01148/OUT: ERECTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED OFF STREET PARKING (OUTLINE - MATTERS OF ACCESS AND LAYOUT FOR APPROVAL)**

Land Off Lower Moor Road Coleorton Coalville Leicestershire

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The Planning and Development Team Manager read out the following letter from Councillor R Boam who had submitted his apologies for the meeting because he was unable to attend.

'I would like the committee to consider the following points before making their minds up whether to permit or refuse this application.

- This application is outside the limits to development in a very sensitive area.
- There are no local needs to support this application.
- There is strong opposition in the surrounding area.
- The support seems to be from outside of the area.

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- The parish council also object to it.
- My concerns are the highway safety , I'm aware the highways have put conditions in place , but as someone who has lived in this area since a child, I believe I know this area better than a visiting highway officer. This would be a dangerous entrance in a dip on a corner.
- The site is also classed as a Greenfield site with no local need,
- There has been a previous application for this site which was refused and that was backed up by being refused at an appeal.

Thank you for reading my letter out, as ward member for the Valley Ward I hope you consider my points carefully.'

Mr S Haggart, objector, addressed the Committee. He explained that he had been nominated to represent over 50 residents of Coleorton village and asked Members to note that the vast majority of supporters of the application did not live within the village. He highlighted the following reasons why Members should refuse the application:

- It contravened Policy E1 which classed the site as a sensitive area and stated that no development would take place that affected it. It was an open meadow and therefore designated as a Greenfield site.
- It contravened Policy E18 as the site was within a historic area. The Council had determined that the site was of special interest due to its inclusion within the grounds of Coleorton Hall.
- Coleorton was no longer a sustainable village as it had only a very small post office, a very limited bus service and the doctor's surgery had recently closed. The officer's conceded that the school was outside the 1000 metre threshold but failed to mention that to reach it involved crossing the A512 which had seen the deaths of two villagers, including a child.
- It contravened Policy S3 as the site fell outside the village boundary and therefore outside the limits to development.
- It contravened Policy HS4 as the site was not identified within the proposals map as suitable for residential development. He felt that there were more suitable sites available to meet the housing stock requirements.
- It contravened Policy T3 as there were already issues with speeding vehicles and parking on the road which would be exacerbated by the development. He added that there had been traffic accidents in the area as recently as last month.

He concluded that the development would have a detrimental effect on the character of the village, destroy the open aspect of the neighbourhood, it would overlook the adjoining properties and affect the visual and rural amenity of neighbouring properties. He felt it would also set a precedent for other similar developments within unsustainable villages.

Mr P Hessian, supporter, addressed the Committee. He advised that he had lived in Coleorton since 1974 and regularly used the facilities within the village that could only be sustained by bringing more people to the area. The way to do this was by permitting developments such as this. He also added that the village had an aging population and it was important to bring families into the area. He said that there was a need for new housing otherwise there would be nowhere for the next generation to live. He stated that he could see no negative impact from the development and the site appeared as scrub, adjacent to and opposite existing houses, and was currently overgrown. He concluded that the proposal included sufficient parking and that he he was pleased with the proposals to create a nature reserve. He urged Members to permit the application.

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Mr A Large, the applicant, addressed the Committee. He noted that the proximity of the site to other houses made objections inevitable and advised that there was no site specific policy in the emerging local plan. He commented that it was good to see so many of letters of support and reminded Members that there were no technical objections to the proposals. He stated that the development would act as an 'end stop' to the village and that the landowners would be providing a nature reserve, so there was no potential for any further development on the site. He felt that the majority of objectors seemed to be concerned about the conservation of the historical site and informed the Committee that an independent conservation assessment had been undertaken which resulted in a positive outcome regarding development. He added that the site was currently scrubland that was undermanaged and urged Members to permit the application.

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

Councillor J G Coxon stated that the development was in keeping with the village, that it would not be harmful and that the nature reserve was an added asset for the village.

Councillor J Legrys believed that villages such as Coleorton needed small scale growth to enable shops and facilities to be sustained as these businesses were in decline. He fully supported the officer's recommendations.

Councillor M Specht advised that Coleorton Parish Council always made comment on proposals that are outside the limits to development but they did want some growth in the village and to continue to have facilities open. He noted that there were pubs and a post office nearby, and an hourly bus service. He believed the small scale development proposed would help to sustain the village.

Councillor R Canny commented that Members needed to bear in mind the sensitive area but she did feel that the development was important to the village.

The Chairman commented that it was important to help the younger generation stay in the villages that they grew up in as many currently cannot afford to do so.

RESOLVED THAT:

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

**101. A4  
15/01062/OUT: ERECTION OF ONE NEW DWELLING (OUTLINE - ACCESS, LAYOUT AND SCALE)**

Land Adjoining Mill Hill Farm Station Road Ibstock Coalville Leicestershire LE67 6JL

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

Councillor J Clarke, Ward Member, addressed the Committee. He raised concerns that the proposal was outside the limits to development, both in the current local plan and the emerging local plan, and by granting permission it would set a precedent to developers across the District. He believed that the proposal had a very large footprint, even larger than the neighbouring three properties put together, it was much bigger than any other properties nearby. He expressed the importance of keeping the area of separation between villages and felt that this development could have an impact on this. He added that the applicant had previous history of operating a bed and breakfast business from

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their home and was concerned that this would be the case for the proposed property due to its size. He stated that the development would not be making a significant contribution to the supply of new homes.

Mrs J McMinn, applicant, addressed the Committee. She firstly clarified that although she had ran a bed and breakfast business in the past, the proposal before Members had been designed as a bungalow for herself and her husband to retire to in a property next to their son's home. She added that they had lived in the village all of their lives and the proposal would allow them to remain in the village once retired. She stated that there were other new developments nearby that were also built on agricultural land and officers were happy that the site would accommodate the size of the property. She stated that the proposal would not result in a significant reduction in the gap between the site and Heather, and that that she believed that the Bellway Homes development in the village had a much bigger impact on the countryside and urged Members to permit the application.

The officer's recommendation was moved by Councillor M Specht and seconded by Councillor J Cotterill.

Councillor J Legrys commented that former Councillor De Lacy fought very hard against the Belway Homes development because of his concerns regarding the decreasing area of separation between the villages and he too had deep concerns, especially as there were no defined lines in either the current or emerging local plan. He felt that the scale of the proposal was inappropriate and did not fit in with the properties on the opposite side of Station Road. He believed that the line of sight between the two churches within the two villages would be impacted by the development and felt it was important to keep the view uninterrupted. He also stated that the Committee needed to make it clear to officers that the line needed to be drawn regarding permitting developments outside the limits to development in the area.

The Chairman commented that regarding the area of separation, the properties on the opposite side of Station Road were actually closer to the neighbouring village than the proposed development and these properties were old houses which had been there for many years.

Councillor M Specht stated that the two churches referred to by Councillor J Legrys were not clearly visible from the application site so he felt that the development would not have an impact on the view. He added that the erection of one dwelling would not coalesce with the neighbouring village so did not raise his concerns. He was happy to support the officer's recommendation.

Councillor R Johnson felt that the application had merit and the area of separation between the villages has already been shifted by the Bellway Homes development. He also felt that it was important to keep local people in the area wherever possible.

RESOLVED THAT:

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

## **102. EXCLUSION OF PRESS AND PUBLIC**

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

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

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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.

**103. RECEIPT OF ADVICE IN RESPECT OF APPLICATION NO. 15/00083/OUTM**

The Head of Planning and Regeneration presented the report to Members.

RESOLVED THAT:

The recommendation as set out in the report be approved.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 7.20 pm