

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 6 APRIL 2016

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors S McKendrick and T J Pendleton

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

### **113. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Bridges.

### **114. DECLARATION OF INTERESTS**

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

Councillor R Boam declared that he had been lobbied without influence in respect of item A1, application number 16/00043/OUT.

### **115. MINUTES**

Consideration was given to the minutes of the meeting held on 1 March 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 1 March 2016 be approved and signed by the Chairman as a correct record.

### **116. 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.

### **117. A1**

#### **16/00043/OUT: ERECTION OF 9 DWELLINGS (OUTLINE APPLICATION WITH ACCESS, SCALE AND LAYOUT FOR APPROVAL) (RESUBMISSION)**

Land At Main Street Osgathorpe Loughborough

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members.

Mr M Buczkiewicz, Parish Councillor, addressed the Committee. He advised Members that he had lived in Osgathorpe for 26 years and felt it was important for the Committee to listen to the local objections. He reported that including the recent developments that had been approved the village had had an 18 percent increase and this application was not necessary. He believed that the village was not sustainable and the only bus service to the area was under threat. He felt that the development would have an adverse effect to the rural nature and character of the village, as well as a negative visual impact. He urged Members to refuse the application.

Chairman's initials

Mr I Bourne, applicant, addressed the Committee. He advised the Committee that his family had lived at the farm for over 60 years. He explained that the proposal was for a mixture of smaller dwellings and would not have a negative impact. He felt that all villages needed small developments to help local people who are downsizing to remain in the area and he had already been approached by local people expressing an interest. He added that it would provide much needed housing during the current shortage and urged Members to permit the application.

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

Councillor G Jones felt that there was little wrong with the application and although officers referred to the heavy reliance on motor vehicles, this was now normality everywhere.

Councillor J Legrys commented that he understood that all settlements needed to take some development due to the current demand on housing, plus the issue with the five year land supply was still ongoing. He also commented that the application was outside the limits to development and although applications such as this had been approved in the past, and that the applicant did have plans to assist with the sustainability of the village, he believed that the officer's recommendation was the correct one.

Councillor J Hoult raised his concerns regarding the future of the bus service but believed that bringing people into the village by approving developments such as the one proposed would help make the area more sustainable and save services such as the local bus.

Councillor M B Wyatt commented that he would vote against the officer's recommendation as it was important to build on empty pieces of land as proposed.

Councillor M Specht commented that the community hub as proposed by the local public house would be great for the village. Regarding the bus service, he commented that they were regularly under review in the more rural areas and if people did not use them, they would stop. Developments such as the one proposed would bring people into the village and help local people who needed to downsize stay in the area.

Councillor J G Coxon was in favour of permitting the application as it was a piece of infill land with houses all around. He felt that small developments in villages were necessary.

Councillor R Boam believed that there was a local need for this development and the affordable housing would help the younger residents of the village. He was confident that if people used the bus service it would remain. He concluded that he would be voting against the officer's recommendation.

Councillor D Everitt raised concerns regarding the reference to infilling land as he believed that it was important for a village to keep its character and that was what spaces between developments did. He believed the proposal would ruin the village.

The Chairman commented that in the past training for Members, a Planning Barrister had stated that without an up to date local plan and a five year land supply in place, the Council would not be successful in the case of any appeal; therefore he felt he needed to support the application at this stage.

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

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

Chairman's initials

For the motion:

Councillors R Adams, D Everitt, R Johnson and J Legrys (4).

Against the motion:

Councillors G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, J Hoult, G Jones, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt (12).

Abstentions:

(0).

The motion was LOST.

The substantive motion to permit the application was moved by Councillor M Specht, seconded by Councillor J Hoult and was put to the vote.

The voting was as follows:

For the motion:

Councillors G A Allman, R Boam, R Canny, J Cotterill, J Coxon, J Hoult, G Jones, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt (12).

Against the motion:

Councillors R Adams, D Everitt, R Johnson and J Legrys (4).

Abstentions:

(0).

The motion was PASSED.

RESOLVED THAT:

The application be permitted.

**118. A2**

**16/00075/FUL: PROPOSED ERECTION OF DETACHED DWELLING WITH ASSOCIATED OFF-STREET PARKING AND FORMATION OF NEW VEHICULAR ACCESS ONTO CLEMENTS GATE**

17 Clements Gate Diseworth Derby

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members

Before the agent addressed the Committee, in response to a question from the Chairman, he confirmed that the proposal was for the applicant's elderly parents.

Mr D Crane, agent, addressed the Committee. He advised that the scale, massing and materials were good, and the dwelling had been carefully designed to fit in with the surrounding area. It would also have a positive effect on the street scene. He reported that the dwelling was not for financial gain but for the elderly parents of the applicant and included a lift. He believed that the officer's report was repetitive and contained many contradictions. Also, that the objections were taken in isolation and out of context. He reminded Members that the application had support from Councillor N J Rushton, neighbours and the Parish Council, and urged to permit.

The Chairman commented that there were no objections and that the dwelling had been purposely designed for the applicants elderly parents. He added that having been to the

Chairman's initials

site, he could see that the proposed dwelling did not even cover 25 percent of the plot and the village was already varied in building design. He could not see any issues with the proposals and therefore moved that the application be permitted. It was seconded by Councillor G Jones.

Councillor R Canny felt that the proposed size of the dwelling was too large and it would look like it had been shoe horned in to the site. She understood that it was already a varied street with regards to building design but felt it would not add anything to the open end of the street.

Councillor G Jones supported the comments of the Chairman.

Councillor R Johnson raised concerns regarding the steep incline of the proposed access and suggested using the existing access. He believed that officers did not have any concerns regarding the development of the site but it was the proposed size of the dwelling that caused the issue. The neighbouring house would lose the light from their bay window and he agreed with the officers that it was too large.

Councillor D Everitt concurred with other Members as he also believed the proposed dwelling was too large.

Councillor J Legrys found the decision difficult to make as there was a lot of building work currently in the area which indicated that applications had been permitted. He felt strongly that the Committee were being lectured by particular Members regarding following the professional advice of planning officers and now they were going against the officer's recommendations. He commented that it was a large plot which would make a good home and he could see the need for the proposal. He added that he would be voting in favour of the motion but in his opinion the proposal was a little on the large size and he asked the officers to discuss this with the applicant with the possibility of making a change under reserved matters.

RESOLVED THAT:

The application be permitted.

**119. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT ACRESFORD ROAD, DONISTHORPE (APPLICATION NO. 14/00802/OUTM)**

Before discussion on the item commenced, the Chairman assured Members that in accordance with the Constitution, he would raise the issue of amendments to Section 106 Agreements in general with the Director of Services in regards to the best way of making the decisions.

The Principal Planning Officer presented the report.

Ms C Chave, agent, addressed the Committee. She commented that it had been over a year since approval was granted and during this time extensive marketing had taken place, the outcome of which was that there was little interest in the proposal given the requirement to provide 30 percent affordable housing on site. During the consultation the Parish Council also questioned if more affordable housing was actually needed in the area. In her opinion, the provision of an off-site commuted sum was a better option than to not develop the site at all and confirmed that the remaining Section 106 agreements would remain. She added that the decision would not set a precedent for other sites as each development was financially assessed individually.

Chairman's initials

The officer's recommendation was moved by Councillor M B Wyatt and seconded by Councillor G Jones.

Councillor D Everitt strongly expressed his disappointment with the situation. He commented that an agreement should be honoured and not changed. He could not help but be suspicious when the excuse of viability was constantly raised after permission had been granted.

Councillor J Legrys thanked the Chairman for his efforts to resolve the issue as a whole. He commented that there was no evidence of any effort of trying to sell the site; in future he felt that officers should demand this evidence. He was also disappointed that the committee were encouraged to support the application by local residents and now the most essential element was being denied. He concluded that he had no confidence that any decision made at the meeting would be adhered to and felt that it would return to Committee in the future because of the inability to sell the site.

The Chairman reminded Members that they did have the District Valuer's opinion on the application.

In response to a question from Councillor G Jones, the Chairman clarified that he did not want to discuss where the money was likely to be spent as he would be meeting with the Director of Services to discuss the matter fully.

RESOLVED THAT:

- a) The existing affordable housing obligation be substituted by the payment of an off-site commuted sum of £122,372.
- b) A Deed of Variation be secured to the original Section 106 Agreement.

Councillor R Canny arrived at 4.35pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.25 pm

Chairman's signature