

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 23 JUNE 2015

Present: Councillor J Bridges (in the Chair)

Councillors R Adams, G A Allman, R Ashman (Substitute for Councillor J G Coxon), R Boam, R Canny, J Cotterill, D Everitt, J Hault, R Johnson, G Jones, J Legrys, K Merrie MBE (Substitute for Councillor D J Stevenson), V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mrs A Lowe and Mr J Newton

12. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J G Coxon and D J Stevenson.

13. DECLARATION OF INTERESTS

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

Councillors R Canny, K Merrie, N Smith and V Richichi declared that they had been lobbied without influence in respect of item A2 application number 14/01040/OUT and had entered the meeting with an open mind.

The Deputy Chairman advised Members that the minutes of the previous meeting were not quite ready and would be considered at the Committee's next meeting in July.

Councillor J Legrys stated that he had been advised by the Legal Advisor that had attended the meeting in question that the reason the minutes were not available was due to resource matters, however at the briefing Members had been informed that they were being checked for accuracy.

The Legal Advisor advised Members that it was necessary for minutes to be checked for accuracy and that it was unusual to have a second committee in the same month, therefore the staff resources had not been available to get the minutes checked for accuracy in time for the second committee.

Councillor J Legrys stated that he was not satisfied with the responses that had been provided.

In accordance with Section 17.1 of Part 4 of the Council's Constitution, Councillor J Bridges moved that business be continued as it was not unusual for minutes to take more than two weeks to produce.

14. 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.

15. A1

15/00015/FULM: PART FULL/PART OUTLINE PLANNING APPLICATION FOR THE REDEVELOPMENT OF LAND AT SAWLEY CROSSROADS, INCLUDING THE DEMOLITION OF ALL EXISTING ON-SITE BUILDINGS AND STRUCTURES. FULL CONSENT SOUGHT FOR THE CONSTRUCTION OF A REGIONAL DISTRIBUTION CENTRE (USE CLASS B8) AND ANCILLARY OFFICE ACCOMMODATION (USE CLASS B1(A)) AND ASSOCIATED GATEHOUSE AND ACCESS ARRANGEMENTS,

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SERVICE STATION, REFUSE AND RECYCLING AREA, CAR PARKING AND LANDSCAPING. OUTLINE CONSENT (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR ADDITIONAL USE CLASS B8 STORAGE AND DISTRIBUTION USES.
Land At Sawley Crossroads Sawley

Officer's Recommendation: PERMIT Subject to a Section106 Agreement

The Principal Planning Officer presented the report to Members.

Mr R Labbett, on behalf of the applicant, addressed the committee. He advised Members that the comprehensive report addressed the key issues and that the company felt that there was a pressing need for a distribution centre in the East Midlands. He stated that the location was ideal and would be able to deliver the scheme in the timescales required. He informed Members that the centre would bring £50 million worth of investment to the area, create 400 jobs in the first phase and 600 jobs at a later time. He stated that the building would be energy efficient and that a travel plan had been submitted which included a commitment to provide a free six month bus pass. He added that if the application was permitted work would start in the autumn hoping to complete in 2017.

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

Councillor J Hoult stated that he was happy to move the officer's recommendation.

Councillor R Canny expressed sadness for the proposed loss of the last green area through building and that she could understand why companies wanted to build in the area due to the good transport links. She stated that the site of the former power station would be more suitable as the proposed site had no sewage facilities, was not sustainable, was outside the limits to development and reduced the area of separation between villages.

Councillor G Jones stated that he was happy to second the officer's recommendation and commented that he had had concerns that there was no mention of green energy in the report but was pleased to see solar panels on the illustrations. He added his support for more jobs to be created in the area.

Following a question from Councillor R Adams, the Head of Planning and Regeneration advised Members that there was no guarantee where future employees would live and that it was not reasonable to specify this in detail within the section 106.

Councillor J Legrys expressed concerns that the site was outside the limits to development, that the application went against Policy S3 of the Local Plan, the site was too close to Hemington Hall and that North West Leicestershire would be providing jobs for residents in other districts such as Erewash, South Derbyshire and Rushcliffe, adding that even though it was not a planning issue he felt it was wrong for North West Leicestershire to do this. He stated that he had worked in the area for many years and had witnessed severe flooding around the proposed site as there was not sufficient drainage.

Councillor M Specht highlighted the phrase 'North West Leicestershire is a place that people want to live and work' and the main issue for families was to ensure that they could put food on the table with a feel good factor. He added that Councillors should be proud that the company wanted to locate to the district.

Councillor D Everitt agreed with Councillor M Specht stating that he was in favour of the creation of jobs and had no issue with the location of the site.

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Councillor R Johnson thanked the officer for a comprehensive report and stated he was excited about the jobs for the area, but wondered if the applicant had considered the Ellistown site as a more suitable location.

The Principal Planning Officer advised the Committee that the applicant had given consideration to the Paragon site at Ellistown however had ruled it out due to the length of time it would take to get on the site.

Councillor R Canny stated that she was sad to see which way the application was going and that the applicant should consider that there were more suitable sites if they were happy to give the project a little more time.

Councillor G A Allman stated that 1,000 jobs were jobs and that the Council deserved a pat on the back for supporting the application.

Councillor N Smith expressed concerns over the vast height and size of the proposed building compared with the proposed landscaping bund and felt that the applicant should plant some five to six metre high semi/mature trees to provide some screening.

In response to a question from Councillor N Smith, the Principal Planning Officer advised Members that there would be a landscaping condition included and that a note to the applicant could be added to provide a steer toward the use of semi/mature trees.

RESOLVED THAT:

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

16. A2
14/01040/OUT: ERECTION OF DETACHED DWELLING (OUTLINE - ACCESS, LAYOUT AND EXTERNAL APPEARANCE INCLUDED FOR DETERMINATION)
 Site Off Main Street Normanton Le Heath Leicestershire

Officer's Recommendation: Permit

The Planning and Development Team Manager presented the report to Members

Mr A Cooper, Chair of Normanton le Heath Parish Meeting, addressed the committee. He stated that there was a lot of opposition to the development as it was outside the limits to development, near to the listed church, would affect a well used footpath and the land was classed a sensitive area. He informed the committee that the village was already suffering from increased parking and traffic, and that it was not sustainable. He urged Members to refuse an application that would destroy a piece of village history.

Mr P Bailey, objector, addressed the committee. He stated that the statements in the application were untrue and the site plan was misleading. He advised that the site was outside the limits to development and that the applicant had no consideration for the village when purchasing the site. He added that the development offered nothing to the village and that in permitting the application the council would view one family over many more. He urged the Members to refuse the application and protect Normanton le Heath.

Mr G Phillips, agent, addressed the committee. He informed Members that he had been brought in to look at the application with a fresh pair of eyes. He highlighted to the committee that an application was permitted back in 1974 and only did not come forward as the applicant passed away. He stated that the applicant had taken into consideration that the area was a sensitive site and had put forward an application that would enhance

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the area. He stated that the dwelling would be well away from the footpath and had been designed to ensure there was no loss of view.

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

Councillor N Smith stated that he had never known so many objections to an application and felt that there was no positive approach. He stated that the application should be refused on the grounds that the application was outside the limits to development, a sensitive area, unsustainable and that the village regarded the space as its own green wedge. He accepted that an application had been permitted in 1974 but that was 41 years ago.

The Head of Planning and Regeneration reminded Members that the number of objections that had been received in relation to a planning application was not a reason for refusing it and Members should judge the application on planning merits only.

Councillor D Everitt stated that Councillors were appointed to represent the views of the residents of the district and felt that the application was un-necessary, stating that the centre of villages such as Normanton le Heath were slowly disappearing. He urged Members to respond to common sense.

Councillor K Merrie stated that he had listened to all that had been said and he would be voting against the officer's recommendation.

Councillor V Richichi stated that a few months previously a small booklet had been delivered to the residents of the District encouraging them to have their say on the Local Plan and questioned why it was done if the council was going to ignore the responses. He highlighted that many applications had been refused on the site, including one for a bungalow and that his principles prevented him from voting in favour of the development. He informed Members that there was no bus service and it would mean an addition of cars on the roads and that nearly every household in the village had signed the petition.

The Head of Planning and Regeneration advised Members that the emerging Local Plan was at an early stage and that the application had to be considered alongside the information in front of them.

Councillor J Legrys stated that he had moved the recommendation as there was no reason to refuse. He expressed disappointment over the remarks made about listening to residents and advised Members that he was under the impression that the emerging Local Plan was 90% there. He informed the Committee that the church was not directly opposite the site, instead there was a row of 20th century buildings and that the ground was not classified as special. He felt that the development would benefit the village and sought clarification on the meaning of sensitive areas and what the cost would be to the council if it went to appeal.

The Head of Planning and Regeneration informed Members that if they were minded to refuse the application he was confident that the authority would not lose costs at appeal and that sensitive areas are local plan designations that are supported by Policy E1. The Planning & Development Team Manager clarified the meaning of the sensitive area and advised that part of the sensitive area would still be maintained as a result of this proposal.

Councillor M Specht stated that he was not there to be popular and as with other members of the Committee had gone through the training, highlighting what was or was not material planning conditions. He informed Members that loss of view was not a reason but overshadowing could be, however the application did not overshadow and the land

was not a green wedge. He advised that the church was not opposite the site, only houses were and that Members were there to make a balanced judgement.

The motion to permit the application in accordance with the recommendation of the Head of Planning and Regeneration was put to the vote and LOST.

The motion to refuse the application was moved by Councillor N Smith, seconded by Councillor V Richichi and

RESOLVED THAT:

The application be refused as it is outside the limits to development, a sensitive area, and the proposed development would be unsustainable.

17. A3
15/00204/FUL: CONSTRUCTION OF A DETACHED TWO-STOREY DWELLING INVOLVING THE FORMATION OF A NEW VEHICULAR ACCESS OFF MELBOURNE LANE

1 Hollow Road Breedon On The Hill Derby DE73 8AU

Officer's Recommendation: Permit

The Chairman advised the Members that following a late submission in relation to the application he proposed to defer item A3 to allow officers to consider the new information.

It was moved by Councillor J Legrys, seconded by Councillor V Richichi and

RESOLVED THAT:

The application be deferred to allow consideration of the new information received.

18. A4
15/00466/VCI: VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION REF:00/00403/PC TO EXTEND THE HOURS OF OPENING BEYOND 23:30 TO 01:00 FOR 12 OCCASIONS A YEAR.

Ashby Rugby Football Club Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Officer's Recommendation: Permit

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

Mr G Bott, objector, addressed the meeting. He stated that the noise that was generated from the clubhouse had impacted on his health and quality of life as the bass level of the music rattled his house. He informed the Committee that the club regularly breached its conditions by playing music past the opening hours and hiring out the clubhouse for private functions. He added that due to these breaches the club was having a detrimental effect on the local amenities.

Mr D Harris-Watkins, agent, addressed the meeting. He advised Members that the club was non profit making and currently had 430 members. He informed Members that the club provided 200 hours coaching around Ashby and contributed to visitors to the area. He highlighted the objector's main concern of environmental impact and reminded Members that there had been no objections on those grounds. Mr Harris-Watkins then went on to speak about the floodlights and advised Members that extension to the hours was to ensure that coaching could take place for the younger members of the club during the week to fit in around bedtimes and stated that when the lights were inspected the club

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was informed that the wattage was far below the recommended maximum strength. He drew Members attention to the number of letters that had been received in support of the application.

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

Councillor Jones stated that he was happy to move the officer's recommendation as the Rugby Club played an important role within the town and was very well run.

Councillor M Specht stated that he was happy to second the recommendation but had concerns over the breach of conditions that had been mentioned by the objector.

The Head of Planning and Regeneration stated that through the consultation process officers had not been made aware of any breaches from Planning Enforcement.

Councillor Legrys stated that voluntary bodies like the Rugby club was run by parents and needed to ensure that the facilities were right to generate income to ensure their future. He added that he had been reassured that the 12 occasions would be for the clubhouse only and not for marquees to be used. He highlighted that the nearest property was 50 meters away, that the site was surrounded by trees and close to main roads. He sought clarification that there had been no breaches of conditions reported to officers.

The Chairman reminded Members that if a breach had been reported it would have been highlighted in the report.

Councillor V Richichi sympathised with the objector as the bass level of music did amplify the further away people were to it.

RESOLVED THAT:

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

- 19. A5**
15/00346/VCI: VARIATION OF CONDITION 4 ATTACHED TO PLANNING PERMISSION REF:06/01140/FUL TO EXTEND THE HOURS OF LIGHTING OF THE FLOOD LIGHTS FROM 19:00 TO 21:30 TO 17:00-21:30
 Ashby Rugby Football Club Nottingham Road Ashby De La Zouch Leicestershire LE65 1DQ

Officer's Recommendation: Permit

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

Mr G Bott, objector, addressed the committee. He stated that the requested extension would double the length of time in which the lights were on. He advised that there had never been an issue until November of 2014 when it appeared that the angle of the lights had been altered and that he felt that the lux levels were not in accordance with the regulations. He queried as to whether there had been any checks on the lighting and stated that a full assessment should be requested.

Mr D Harris-Watkins, agent, addressed the committee. He advised Members that any previous issues with the floodlights that had been raised by the objector had been dealt with and when the lights were previously checked the club was advised the strength of the light wattage would never reach the acceptable maximum level.

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

Following concerns raised by Councillors J Hout and V Richichi about the angles of the floodlights, The Chairman advised Members that a note to applicant would be added in relation to having the floodlights checked.

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.14 pm