

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 OCTOBER 2016

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, R Johnson, J Legrys, V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors T Eynon, J Geary and T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Mattley, Mr R McKillop, Mr J Newton and Miss S Odedra

The Chairman thanked Members for the card he had received following his recent illness and that it was with great sadness that he had to inform Members that former District Councillor and Chairman of the Council, Walter Quelch had passed away.

#### **44. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Houtt and G Jones.

#### **45. DECLARATION OF INTERESTS**

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

Councillor J Bridges declared a non-pecuniary interest in item A2, application number 15/00966/VCUM, as ward Member he had attended meeting with both residents and the developers but came to the meeting with an open mind.

Councillor J G Coxon declared a non-pecuniary interest in items A4, application number 16/00414/OUTM, A5, application number 16/00415/OUTM, A6, application number 16/00416/OUTM and A7, application number 16/00409/OUTM as a member of Leicestershire County Council.

Councillor R Johnson declared a non-pecuniary interest in item A3, application number 15/00951/OUTM, as a member of Hugglescote and Donington le Heath Parish Council, who had previously considered the application, but he had come to the meeting with an open mind.

Councillor J Legrys declared a non-pecuniary interest in items A4, application number 16/00414/OUTM, A5, application number 16/00415/OUTM, A6, application number 16/00416/OUTM and A7, application number 16/00409/OUTM, as he had taken part in discussions about the applications, but he had come to the meeting with an open mind.

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

Item A2, application number 15/00966/VCUM

Councillors R Adams, R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, R Johnson, J Legrys, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt.

Item A3, application number 15/00951/OUTM

Councillors R Adams, R Canny, J Cotterill, D Everitt, J Legrys, N Smith, M Specht, D J Stevenson and M B Wyatt.

Chairman's initials

**46. MINUTES**

Consideration was given to the minutes of the meeting held on 6 September 2016.

Councillor R Johnson sought clarification from officers in relation to the question asked by Councillor J Geary at the last meeting as to why Building Regulations 2010 had been ignored on an application submitted in 2012.

The Head of Planning and Regeneration advised Members that the Building Regulations had, in fact, been complied with. There are circumstances, such as where levels on site are difficult, when not every plot has to fully comply with Part M for the scheme as a whole to be regarded as in compliance. In this case, the proposed amendments to site levels will enable more plots within the overall development to meet Part M in full.

It was moved by Councillor D Harrison, seconded by Councillor J Cotterill and

RESOLVED THAT:

The minutes of the meeting held on 6 September 2016 be approved and signed by the Chairman as a correct record.

**47. 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.

The Chairman advised Members that item A1, application number 16/00966/PDNATR, had been withdrawn from the agenda as it was void.

**48. A2**

**15/00966/VCUM: VARIATION OF CONDITION 2 TO 13/00183/FULM TO AMEND HOUSE AND GARAGE TYPES IN ADDITION TO LANDSCAPING, BOUNDARY TREATMENTS AND LEVELS**

Land Off Measham Road Moira Swadlincote Derby DE12 6AA

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

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

Mr E Shephard, on behalf of Ashby Woulds Town Council, addressed the Committee. He advised Members that since the last meeting there had been an email exchange with the Lead Local Flood Authority (LLFA), but there had been no discussion between the developer and the residents. He stated that there were still serious concerns over flooding and that both the LLFA and the Environment Agency felt that the fence proposed by the developer would make no difference to the risk and instead stated that the developer should create a drainage system. He highlighted that the flood risk may have reduced on site but it had not reduced elsewhere in the village adding that water had already flowed down Heritage Way and asked how soon it would enter the properties. He suggested that new drainage should be installed to link to existing drainage. He felt that the 2013 flood risk data was flawed and raised concerns over the revised heights of the dwellings that would impact on the privacy of the five existing properties. He urged Members to consider the implications.

Mr C Sharp, objector, addressed the Committee. He expressed surprise that the application had come back so soon as there had been no discussion between the developer and the residents. He advised the Committee that the increase in height of the plots would provide a grandstand view into the existing properties, contrary to Policy E3.

Chairman's initials

He highlighted to Members that the NPPF requires that no development should increase the risk of flooding and that the developer had said that the water was running off the field. He stated his view that a new independent flood risk assessment should be carried out and that the fence and gravel boards would make no difference. He urged the Members to reject the application so that an acceptable revised application could be submitted by the developer rather than defer it.

The Planning and Development Team Manager read out a letter that had been received from Andrew Bridgen MP.

The motion to refuse the application was moved by Councillor V Richichi and seconded by Councillor J Legrys.

A motion to refuse the application on the grounds of loss of privacy and flooding risk was moved by Councillor V Richichi and seconded by Councillor J Legrys.

Councillor V Richichi stated that he understood the concerns of the residents as he felt that the proposed change of height would have an adverse effect on the privacy of the neighbouring properties and that the gravel boards would not have the desired effect. He sought clarification on the height of the banking that had been mentioned.

The Planning and Development Team Manager advised Members that there was no banking but a fall away from the fences back towards Plots 10 and 11 of 1m and that all the statutory consultees were satisfied that there was no surface water run-off or flooding impacts as a result of this development..

Councillor V Richichi expressed concerns over the conflicting issues around the flood risk as the speakers had stated that there was a flood risk given the potential water run-off.

Councillor D Harrison expressed his disappointment that no communication had taken place between the developer and the residents and that he had supported the deferral at the last meeting for that reason. He stated that he was uncomfortable with the proposed height but his main concern was the flood risk. He felt that the SuDs scheme would work once the development was complete but questioned what would happen in the meantime as he felt that it is unfair to the existing residents to suffer because the developer had not grasped what the Committee had said at the last meeting. He sought clarification from officers as to whether a bond had been placed on the highways.

The Planning and Development Team Manager confirmed that the applicant was currently working with Leicestershire County Council on a Section 38 application to adopt the road and that would include a bond.

Councillor J Legrys stated that he felt that the application should be refused on the grounds of flooding as he had concerns that it would not just affect the neighbouring properties but also the rest of Moria. He advised Members that there was evidence that the water level was higher at the Furnace and that the coal seams had been disturbed. He informed that he could not support the application due to serious flood risks, the Victorian drainage had been vandalised and that he had no faith in SuDs, particularly their maintenance, adding that it was morally wrong as the developer was putting the problems onto the existing residents. He felt that the application should be refused as coming back after a month, the developer had not given any consideration to Moira and its residents.

Councillor J G Coxon stated that he was disappointed that after being deferred at the at the last meeting to allow discussions it had not happened and that the application should be voted against as the developer had missed a chance to resolve the issues.

Councillor R Canny advised that flooding was one of her concerns but also questioned why the plots had changed from bungalows to two and half storey dwellings.

The Head of Planning and Regeneration clarified that officers had met with residents, representatives of Moria Furnace and the Town Council and had discussed that the approximate 60 metre distance between the backs of the new and existing dwellings was more than required, that it was not fair for the developer to be criticised because it had not specifically invited residents to a meeting, and that the developer had provided all the relevant information over SuDs, and there were no concerns from the EA or LLFA with the scheme.

In response to the question from Councillor R Canny, the Head of Planning and Regeneration advised that in the original plans Plots 10 and 11 were two and a half storey designs and not bungalows.

Councillor N Smith queried the legal position as the development was already underway.

Councillor M Specht stated that the usual requirement was a minimum of 22 metres between dwellings however on the application before them there was a distance of 60 metres therefore the additional height would not be contrary to any policies. He felt that taking the technical information on board there was no reason to vote against the officer's recommendation.

Councillor D Everitt expressed concerns over the flooding stating that consideration needed to be given to the changing water levels over the next 10-20 years and that flood risks needed to be considered earlier.

The Head of Planning and Regeneration felt that it was an excellent point and advised Members that assumptions were built into the calculations to allow for climate change.

Councillor J Bridges stated that there had been no arguments against the development in principle but raised concerns about the flooding risks. He felt that once the development was completed there would be no issues but expressed concern that no one including the LLFA has questioned what would happen in the meantime. He stated that management was critical He also advised that he was not at the last meeting but understood that the application had been deferred to allow communication between the developer and the residents to resolve major concerns with the development as the residents had no faith that the scheme would work once finished. He asked how the issues could be resolved if the developer was not willing to meet with residents and that he would support the motion to refuse as it was unfair on residents to be at risk from flooding, adding that the developer would not be in this position if they had all sat down together.

The Legal Advisor informed Members that the Council would not be liable should any flooding happen as it would be a naturally occurring event. Should there be an issue, however where it is proved that the developer had done something to exacerbate the situation then it would be a private nuisance case between the developer and the residents.

Councillor D J Stevenson stated that he was not at the last meeting and sought clarity from officers that if the application was refused the developer would be able to continue building in line with the original permission and if they had done that the development would not have come before Committee again. He advised that it was not a retrospective application, but when the developer had started to build against the permission they were asked to stop and they did.

The Legal Advisor confirmed that Councillor D J Stevenson was correct and that the developer would be able to build in line with the original permission.

In response to a query from Councillor V Richichi, Councillor D J Stevenson stated that the developer already had permission and that they now wished to amend that permission with the application before them, but even if the Committee was minded to refuse the application in front of them the developer would be able to complete the development in line with their original application.

The Head of Planning and Regeneration warned Members that it was his opinion that it would be very difficult to mount a case in line with the reasons that had been given for refusal and that the authority would be exposed to as adverse costs award at any subsequent appeal.

Councillor M Specht requested a recorded vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, J Bridges, J Cotterill, J Coxon, D Everitt, D Harrison, R Johnson, J Legrys and V Richichi(9).

Against the motion:

Councillors R Boam, N Smith, M Specht and D J Stevenson(4).

Abstentions:

Councillor R Canny and M B Wyatt(2).

RESOLVED THAT:

The application be refused on the grounds of loss of privacy and flooding risk.

49.

**A3**

**15/00951/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 34 DWELLINGS  
(OUTLINE WITH DETAILS OF PART ACCESS INCLUDED)**

Land South Of The Green Donington Le Heath Coalville Leicestershire LE67 2GE

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Mr W Jennings, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the Committee. He advised Members that the Parish had asked for the original application to be rejected as they had major concerns and he was now surprised to see that a new application had been submitted with very little change. He informed the Committee that the Parish Council undertook speed watch surveys at the location and that during a twenty minute period at the proposed development site they had recorded ten percent of vehicles exceeding the speed limit. He urged the Committee to reject the application on the grounds of highways safety and insufficient visibility at the access to the site.

Mr M Miller, objector, addressed the Committee. He asked the Members to reject the application, highlighting the objections outlined in the report. He advised the Committee that the site was located on what could only be described as a single track road and was opposite business premises that large lorries and tractors struggled to turn into, that the site was an area of separation the local people regard as green belt and that from looking at Leicestershire County Council Archaeology maps there was probability that the land was a site of a medieval settlement, and that proposed condition 16 considers this. He

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informed Members that the local schools were oversubscribed and that the £100,000 contribution in the proposed section 106 for education would not be enough.

Mr A Ward, agent, addressed the Committee. He urged Members to support the officer's recommendation and advised them that the proposal before them was a low density scheme that would provide family housing which would be very well landscaped, screened by the railway and provide new open space areas. He informed Members that the area of separation had been removed from the publication local plan, that there were no technical objections, all the S106 contributions would be met and it was a sustainable location adding that it would be a positive development for the village on an overgrown asset. He confirmed that there was no objection from the Highway Authority.

Councillor D J Stevenson stated that in the 45 years that he had been on the Council he had never seen an access to a development site as awful as the one before them and moved that the application be refused for that reason. It was seconded by Councillor R Johnson.

Councillor R Johnson expressed concerns that the applicant had not engaged with residents prior to submitting the application and agreed that the access to the proposed site was the worst that he had seen.

Councillor D Everitt stated that he endorsed the recommendation to refuse and expressed concerns that the LCC archaeologist had raised no concerns over the development of the site yet there appeared to be evidence of a settlement and felt that information such as that should have been included in the report.

The Head of Planning and Regeneration advised Members that the Local Highways Authority was adamant that it would not be able to support refusal on highways grounds and that the developer was not obliged to meet with residents when preparing a planning application.

RESOLVED THAT:

The application be refused on the grounds that the access to the site raised safety concerns.

The Chairman advised Members that the next two items would be presented together but voted on separately.

- 50. A4**  
**16/00414/OUTM: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 20 DWELLINGS (OUTLINE - DETAILS OF PART ACCESS INCLUDED)**  
 Workspace 17 Highfield Street Coalville Leicestershire LE67 3BR

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Councillor J Geary, Ward Member, addressed the Committee. He advised Members that the residents had no objection to the applications in principle but favoured the proposal that included the shop as it was a densely populated area and the nearest shops required a car journey. He raised concerns over the demolition of the existing buildings and subsequent noise and dust from the crushing and felt that it should be done off site adding that he was pleased to see the additional condition in the update sheet. He also felt that consideration should be given to the provision of bungalows on the site as it would be an advantage for the town centre.

Chairman's initials

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

Councillor M Specht expressed concerns that it appeared that the developer could not make a decision on which application to submit and had decided to let someone else make the decision. He stated that having been on site he felt that the area warranted a shop but questioned what the area would get if both applications were permitted, adding that he would support item A5 but not A4.

Councillor D J Stevenson stated that he had been minded to vote the same way but had been made aware that there was once a shop around the corner from the proposed site that had closed due to lack of custom and as such felt that both applications should be permitted so that the decision could be made properly.

Councillor J Legrys clarified that he had attended meetings with officers about the applications and felt that they should all be considered at one committee therefore that is why he had called them in.

RESOLVED THAT:

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

**51. A5**  
**16/00415/OUTM: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 18 DWELLINGS AND RETAIL CONVENIENCE STORE (A1) (OUTLINE - DETAILS OF PART ACCESS INCLUDED)**

Workspace 17 Highfield Street Coalville Leicestershire LE6 3BR

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

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

RESOLVED THAT:

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

**52. A6**  
**16/00416/OUTM: ERECTION OF BUSINESS UNITS (B1B, B1C AND B2 USE CLASS) (OUTLINE - ALL MATTERS RESERVED EXCEPT PART ACCESS)**

Land At Vulcan Way Coalville Leicestershire

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Senior Planning Officer presented the report to Members.

Councillor T Eynon, County Councillor, addressed the Committee. She informed the Members that the application would result in the loss of fifty existing jobs in the town as the current tenant had been unable to find a suitable location to relocate to adding that with the significant building that was taking place in the district haulers were having to compete for work. She advised Members that the County Council had an abundance of land such as the former Snibston site that would better suit smaller industrial units as it would not be easy for large vehicles to access. She asked the Committee to defer the

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application until the full impact of it could be independently assessed and an alternative site be found for the existing haulier.

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

Councillor J Bridges stated that he had listened to the speaker but on this occasion supported the officer's recommendation as he had reason to believe that there were four other sites in the vicinity that could accommodate the current tenant and that the site in front of them was ideal for smaller units adding that the application was not losing jobs but creating them.

Councillor J Legrys stated that as Ward Member he had been lobbied over the application and understood the problems raised. He could gauge the mood of the discussion and requested that should the application be approved, a condition was added requesting that Leicestershire County Council worked with the regeneration team to help the current tenant find another suitable location in the district to ensure that the jobs remained in the area.

In response to Councillor J Legrys, the Head of Planning and Regeneration advised Members that the Council's Business Focus Team was already working with the current tenant to help to try and relocate and that it would not be appropriate to require this by planning condition.

RESOLVED THAT:

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

**53. A7**  
**16/00409/OUT: ERECTION OF TWO INDUSTRIAL UNITS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT PART ACCESS)**  
 Land At Samson Road Coalville Leicestershire LE67 3FP

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

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

Councillor J Bridges stated that he rarely supported applications that meant that a community resource to support individuals with learning difficulties had to move or close down but on this occasion he felt that the site before them was more suitable for commercial use and hoped that the county and other bodies looked at other more suitable locations.

Councillor J Legrys stated that as Ward Member he supported the application as it would make better use of a site that had been prone to anti- social behaviour issues and agreed with Councillor J Bridges that there were better locations for the resource centre that had better transport connections which would encourage people to use the bus. The site was located within an industrial estate which the application was better suited.

Councillor D J Stevenson stated that he did not like the location for community use and agreed that it was more suitable for commercial use.



RESOLVED THAT:

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

Councillor M B Wyatt left the meeting at 5.40pm

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.00 pm