

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 NOVEMBER 2016

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors J Geary and T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mr A Mellor, Mr J Newton and Miss S Odedra

#### **54. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hoult, G Jones and M Specht.

#### **55. DECLARATION OF INTERESTS**

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

Councillor J G Coxon declared a non-pecuniary interest in items A4, application number 16/00925/FUL and item 6 – Proposed alterations to Section 106 obligations in respect of Affordable Housing Obligations Required in Association with Residential Development at Land at Leicester Road, Ashby de la Zouch, as a Member of Ashby de la Zouch Town Council.

Councillor V Richichi declared a pecuniary interest in items A2, application number 15/01051/OUT and A3, application number 16/00925/FUL as an owner of a property mentioned in the report and that he would leave the meeting for the consideration of the items.

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

Item A1, application number 16/00360/OUTM

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

Item A2, application number 15/01051/OUT

Councillors R Adams, R Ashman, R Boam, R Canny, J Cotterill, J G Coxon, D Harrison, R Johnson, J Legrys, P Purver, N Smith and D J Stevenson.

Item A3, application number 16/00925/FUL

Councillors R Adams, R Ashman, R Canny, J G Coxon, D Harrison, R Johnson, J Legrys, P Purver, N Smith and D J Stevenson.

Item A4, application number 16/00275/OUTM

Councillors R Ashman, R Boam, J Clarke, J Cotterill, J G Coxon, D Everitt, J Legrys, P Purver, N Smith, D J Stevenson and M B Wyatt.

Chairman's initials

**56. MINUTES**

Consideration was given to the minutes of the previous meeting held on 4 October 2016.

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

RESOLVED THAT:

The minutes of the meeting held on 4 October 2016 be approved and signed by the Chairman as a correct record.

**57. 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.

**58. A1****16/00360/OUTM: ERECTION OF 27 DWELLINGS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT FOR PART ACCESS)**

Land At Worthington Lane Breedon On The Hill Derby

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

The Senior Planning Officer presented the report to Members.

Mr R Morris, on behalf of Breedon Parish Council, addressed the Committee. He advised that the comments that he would make were unanimous from the Parish Council. He stated that the Parish Council always supported any application that would enhance the village and the application before them would not. He expressed concerns that the proposed development would increase pressure on the local water treatment works and following the flooding that Breedon had experienced in June many residents had still been unable to return to their homes. He informed Members that storm water from the proposed development would run off into the only water course in the village that was unable to cope. He highlighted that the village had a wonderful heritage asset from which the application site would be visible, asserted that harm is subjective, but opined that if there were any harm at all the presumption should be in favour of refusal. He highlighted to Members that the site was outside the village boundary, was on Greenfield land, the authority had a five year housing land supply without this site, pedestrian access was across land not owned by the developer and that the affordable homes may not be accessible to residents of the village. He suggested a legal challenge would be forthcoming, on the basis of flooding and pedestrian safety, if the Committee were minded to grant permission, and urged Members to refuse the application.

Ms S Hollis representing Mr P Spencer and Ms K Knight, in objection, addressed the Committee. She advised Members that there were several points on which the application should be refused which were that the site was outside the Limits to Development as set out in the publication Local Plan, and live flooding issues. She stated that the officer's recommendation was the opposite of what was stated in the publication Local Plan and therefore put the Council in the position of setting a dangerous precedent should they permit the application as it was outside the village boundary. She expressed concerns over the deliverability of the footpath as it was not in the ownership of the developer so should be secured by Grampian condition, and asserted that it was premature to allow the development in light of the recent flooding in the area. She urged Members to refuse the application.

Mr A Large, supporter, addressed the Committee. He highlighted to Members that it was the first time that he had known the housing officer to support an application and as an

Chairman's initials

agent he had seen first-hand that the 30% affordable housing agreed in applications was not always delivered and the housing officer knew that it would be in the application before them by way of a legal agreement. He advised Members that a landscape architect had been employed to address the concerns in relation to the visual impact and that houses on three sides of the development would not be overlooked. He informed Members that the developer was in discussions with the lead local flood authority, which agreed that the attenuation pond would mitigate and reduce the runoff from the site. . He stated that the highways authority had no objections, the village offered a range of services and urged Members to support the application.

Mr J Blunt, applicant, addressed the Committee. He informed Members that it was the family's aspiration to develop the site and provide housing in the area and that big houses in the village were desirable. He advised Members that the site was close to the village, the issue over the pedestrian access route was before the solicitor and that the site had long and deep family connections after the estate was able to provide shelter on the land to a returning World War 2 Soldier. He urged Members to permit the application to allow a development that both his family and the district could be proud of.

The motion to refuse the application on the grounds that it was outside the Limits to Development as defined in the Local Plan, the site was Greenfield, and highway concerns was moved by Councillor R Ashman and seconded by Councillor J Legrys.

Councillor J Legrys expressed concerns over the access to the site despite no objections from the highways authority. He was not satisfied with the visibility splay and that he could not see an agreed extension of the 30 mph speed limit. He added that he had concerns with the planning conditions as there were a number of conditions that related to flooding which would require agreement to implement In relation to SuDs, he expressed concerns over whom would be responsible in perpetuity, adding that the condition worded "with agreement" did not mean agreement with just the developer but with the wider community as well as it was evident that the area flooded, and in the past Members had been assured that sites would not flood and they had. He highlighted that the community were concerned over flooding and did not want the development, and that the Committee had responsibility to protect the community. He said that the site had been proven to flood, and that the so-called experts were wrong. As such he would be supporting refusal of the application.

Councillor R Canny stated that she was still undecided on the application. She felt that the application was pleasing, looked nice and would fit in nicely and benefit the village, however it was outside the Limits to Development. She stated that now the Local Plan had been submitted and if the application was permitted the authority would risk undermining the plan in the future given that the authority had its five year housing supply. She expressed concerns about flooding risks and the assurances that with the balancing pond the water would flow away however she had seen first-hand the damage that had been caused by the flooding in June. She highlighted that the application was for outline permission with various conditions and assurances attached but felt it would be better to refuse at the early stage rather than at reserved matters.

Councillor D Everitt stated that the site was like a bowl with three sides built on and that by building on the land no more water would be absorbed. He highlighted that there would be a balancing pond at the bottom which would collect all the water but questioned how it would cope with floods and rain water and where it would all go.

Councillor V Richichi stated that there were no objections from Highways and Severn Trent and therefore he was minded to vote in favour of the application.

Councillor D Harrison complimented the applicant on the reasons behind the application but expressed concern over the site and how the development would proceed. He sought

clarification from officers on how many units already had planning permission but not yet completed.

The Head of Planning and Regeneration stated that there were 10 units with permission in Breedon that had not been built and that there were other applications in the pipeline but there was no guarantee that they would be built.

Councillor D Harrison expressed concerns over the access and the large gradient of the site given the additional flood risks that could arise. He reminded Members that they had a responsibility to look after the people of the district. He stated that the development was a good proposal but that the location and time was not right. He highlighted that neither the Parish Council or villagers wanted the development and therefore he would be voting to refuse the application.

Councillor J Clarke raised concerns over the speed of traffic along the road that the site was outside the Limits to Development, the rights over the footpath and drainage issues. He supported the motion to refuse.

Councillor R Ashman sought clarification as to whether the already permitted development was inside the Limits to Development and if not were the sites more sustainable.

The Head of Planning and Regeneration stated that the already permitted development in the village was across various sites but reminded Members that they could only consider the application that was before them.

Councillor D J Stevenson stated that he had lived in the area for 70 years and that he had seen many accidents including fatal accidents on the stretch of road, that the access was very dangerous and that the site was outside the Limits to Development. He acknowledged that there were no objections from Highways, but felt that he would not want to leave the site using the access. He supported the motion to refuse

RESOLVED THAT:

The application be refused on the grounds that it is outside the Limits to Development, a Greenfield site, and highways concerns

**59.**

**A2**

**15/01051/OUT: ERECTION OF EIGHT DWELLINGS (ACCESS, LANDSCAPING AND LAYOUT INCLUDED)**

Land To The North East Of Normanton Road Packington Ashby De La Zouch  
Leicestershire LE65 1WS

Officer's Recommendation: REFUSE

Having declared a pecuniary interest in items A2 and A3 Councillor V Richichi left the meeting for the consideration of the items and took no part in the discussion or voting thereon.

The Planning and Development Team Manager presented the reports for both A2 and A3 to Members.

Mr C Miles, on behalf of Packington Parish Council, addressed the Committee on both applications. He advised Members that the Parish Council had objected to the applications due to the embargo on development within the area of the River Mease, but the Parish Council felt that further grounds for refusal were outside the development boundary currently out for approval, and that the site was Greenfield. He advised that many developments had already been permitted outside the limits for the village. He

Chairman's initials

highlighted to Members the weak flood risk assessment and the ineffective drainage proposals as soak aways were not practical. He expressed concerns over the effectiveness of the water holding tanks and whether the local water treatment works could handle the water running into the site. He reminded Members that planning permission had already been refused on the site and asked Members to refuse these applications.

Mr P Harley, objector, addressed the Committee. He stated that it appeared that the developers were attempting to drive coach and horses through the submitted Local Plan by submitting applications that lay outside the village boundary. He highlighted that plot 1 was proposed to be a large house that would overlook several properties on Spring Lane. He expressed concern that the results of the 2013 traffic survey were being considered when the figure had increased sufficiently and the new dwellings would increase the impact on the River Mease by adding 20 cars and 24 toilets. He urged Members to refuse the application.

Mr J Steadman, agent, addressed the Committee. He advised Members that the developer had worked with officers to overcome the issues from the previous applications and felt that a smaller site was far more sustainable than the previous larger site. He stated that in heritage terms the site was a distance from Packington House and that the developer would offer £200K towards affordable housing within the district. He informed Members that it appeared that officers were making up policies relating to the River Mease as the reasons for refusal without specific policy support and that Members would be in a weak position if they refused the applications on the grounds before them. He urged Members to support the application as the site would be a minor extension to the village.

The officer's recommendation to refuse the application with the additional reasons that the site is outside the Limits to Development and constitutes Greenfield land was moved by Councillor J Bridges and seconded by Councillor J Legrys

Councillor N Smith stated that even though it was a small development if it was granted there would be nothing to stop future applications being put forward, adding that the application was outside Limits to Development, on a Greenfield site and as such it would have a detrimental effect on the area and the Council could demonstrate a housing supply.

RESOLVED THAT:

The application be refused in accordance with the recommendations of the Head of Planning and Regeneration with the additional reasons that the site was outside the Limits to Development on Greenfield Land which would be harmful to the rural character and appearance of the locality and setting of the village in the landscape.

**60.**

**A3**

**16/00925/FUL: ERECTION OF FOUR DETACHED DWELLINGS AND GARAGING**

Land At Normanton Road Packington Leicestershire LE65 1WS

Officer's Recommendation: REFUSE

Mrs J Harley, objector, addressed the Committee. She stated that the Committee had just refused eight dwellings and she hoped that they would now refuse four dwellings. She advised Members that the proposal was for four very large homes outside the Limits to Development and that they would also have a detrimental impact on the River Mease. She highlighted that the new development would have three access points which would raise the risk of accidents along a road where cars were driven at speed. She urged Members to refuse the application.

Chairman's initials

Mr J Steadman, agent, addressed the Committee. He advised that the application before them was for self build dwellings and that following the introduction of the Self Build and Custom Housebuilding Act 2015 the authority had a duty to ensure sufficient permissions for self- build developments. He stated that there had been an increase in the number of applicants that had registered for self-build sites from 0 – 43. He asked Members to consider how much weight should be given to the legislation and that at a previous committee permission had been given to a development 135ms outside of the envelope, highlighting that the number of dwellings proposed had reduced from 42 to 4.

The officer's recommendation was moved by Councillor N Smith and seconded by Councillor J Cotterill.

Councillor N Smith stated that his reasons for refusing it were as before and that officers should be able to find enough sites for self build units within the structure plan.

Councillor J Bridges stated that he would be voting against the officer recommendation as but he felt that the reasons would be challenged unless the recommendation was amended to include that the site is outside the Limits to Development and constitutes Greenfield Land.

The proposer, Councillor N Smith, and the seconder, Councillor J Cotterill, agreed to amend the motion in line with Councillor J Bridges suggested amendments.

RESOLVED THAT:

The application be refused in accordance with the recommendations of the Head of Planning and Regeneration with the additional reasons that the site was outside the Limits to Development on Greenfield Land which would be harmful to the rural character and appearance of the locality and setting of the village in the landscape..

Councillor V Richichi returned to the meeting.

**61. A4  
16/00275/OUTM: ERECTION OF UP TO 153 DWELLINGS WITH ASSOCIATED CAR PARKING, LANDSCAPING, OPEN SPACE AND ACCESS ROADS (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS RESERVED)**

Arla Dairies Smisby Road Ashby De La Zouch Leicestershire LE65 2UF

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

The Principal Planning Officer presented the report to Members.

Mr J Derbyshire, General Manager of KP Snacks, addressed the Committee. He advised Members that the company wanted to ensure noise mitigation to protect the proposed neighbouring properties from noise generated by the factory. He highlighted that the factory had been there since 1948 and employed over 400 local people. He informed Members that they had been working with the developers to reduce the risk of noise complaints, who following a noise survey, had agreed to construct and fund a sound bund with acoustic fence, and that he had been led to believe that this condition would form part of the planning application. He stated that he did not believe that acoustic glazing and garden fences would be sufficient to protect future residents from the noise that was generated. He requested that a sound bund be included in the application by way of a Grampian condition.

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

Councillor J G Coxon stated that it was a Brownfield site and formed part of the Ashby Neighbourhood Plan. He acknowledged Mr Derbyshire's request in relation to noise mitigation and asked if the sound bund could be included in the conditions, adding that he had never received any complaints in relation to noise from the site. He informed Members that the connectivity to the Money Hill site was paramount due to the potential employment opportunities on that site and to the Ashby Neighbourhood Plan.

Councillor J Bridges stated that he agreed wholeheartedly with Councillor J G Coxon.

Councillor D Harrison stated that he welcomed the application and that it was a pleasure to see development on a Brownfield site rather than trying to build on green land. He added that he supported Mr Derbyshire as often the last in were the first to shout and therefore, if possible requested that noise mitigation be put into the consent. He supported the application.

The Head of Planning and Regeneration advised Members that officers had been alive to the issue throughout the application. He drew Members' attention to condition 14 whereby the developer had to agree with officers how they would deal with the noise issue from the factory and that the update sheet had a reference to a sound bund on the KP site as mitigation to protect the factory against complaints from future residents. He stated that it was the officers' views that as there was insufficient technical evidence to suggest that a bund would be required and therefore condition 14 and the note to applicant that was included on the update sheet would be the next best thing.

Councillor J Legrys stated that he was very pleased to see the opening up of the watercourse and the removal of the culverts as it would help alleviate flood risks and protect the water voles that resided there. He also welcomed building on a Brownfield site, and requested that officers maintained contact with KP Snacks over the noise mitigation issue and that their concerns should not be dismissed. He did not want the issue to be forgotten about at the reserved matters stage.

Councillor D J Stevenson stated that finally there was forward planning on an application and that anything that could be done to prevent a noise nuisance must be welcomed and the issue would not be forgotten.

Councillor J G Coxon stated that he was happy with condition 14. It was noted that all Members of the Committee were totally in favour of keeping KP Snacks in the loop over the application.

RESOLVED THAT:

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

**62. 5. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT LAND AT ATHERSTONE ROAD, MEASHAM**  
Report of the Head of Planning and Regeneration

Officer's Recommendation:

The Principal Planning Officer presented the report to Members.

Chairman's initials

It was moved by Councillor R Ashman, seconded by Councillor J Legrys and

RESOLVED THAT:

The substitution of the existing affordable housing obligations by the provision of 10 no. gifted units in accordance with details to be agreed with the District Council.

**63. 6. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT LAND AT LEICESTER ROAD, ASHBY DE LA ZOUCH**

Report of the Head of Planning and Regeneration

Officer's Recommendation:

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

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

RESOLVED THAT:

The substitution of the existing affordable housing obligations by the provision of 16 no. gifted units in accordance with details to be agreed with the District Council.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.55 pm