

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 JANUARY 2017

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R Blunt, J Geary, T J Pendleton and S Sheahan

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

80. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam, V Richichi and M B Wyatt.

81. DECLARATION OF INTERESTS

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

Councillor J Cotterill declared a non pecuniary interest in item A7, application number 16/01247/FUL, as Deputy Chairman of Coleorton Parish Council.

Councillor J Coxon declared a non pecuniary interest in item A3, application number 16/01224/FUL, as a Member of Ashby Town Council.

Councillor M Specht declared a non pecuniary interest in item A7, application number 16/01247/FUL, as Chairman of Coleorton Parish Council.

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

Item A1, application number 16/00967/OUTM

Councillors R Adams, J Bridges, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, R Johnson, G Jones, J Legrys, N Smith, M Specht and D J Stevenson.

Item A4, application number 16/01207/FUL

Councillors R Adams and J Legrys.

Item A5, application number 15/01005/FUL

Councillors J G Coxon, J Legrys and N Smith.

Item A6, application number 16/01145/OUT

Councillors N Smith and M Specht

Item A7, application number 16/01247/FUL

Councillor G Jones

Item A8, application number 16/01397/PDNATR

Councillors G Jones and D J Stevenson

Item A9, application number 16/00287/FUL

Councillor D J Stevenson

82. MINUTES

Chairman's initials

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

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

RESOLVED THAT:

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

83. 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 the Committee that item A2, application number 16/00617/OUTM had been withdrawn and therefore would not be considered.

**84. A1
16/00967/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 135 DWELLINGS,
ACCESS, INFRASTRUCTURE AND PUBLIC OPEN SPACES (OUTLINE)**

Land at Swepstone Road, Heather, Coalville, Leicestershire, LE67 2RE

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mrs A Wright, Parish Councillor, addressed the Committee. She highlighted to the Committee that the proposed site was a Greenfield site and was outside the Limits to Development, therefore it did not comply with policy S2. She advised Members that the development would increase the village by 31.75% and therefore deem it unsustainable. She informed Members that the village had one shop, the village school and the doctor's surgery in the next village was oversubscribed, there was no bus service. She drew to Members attention that the site was opposite an industrial site and that the developer had means tested the speed along the road and both ways were averaging in excess of 30mph. She urged Members to refuse the application as it was not policy compliant.

The officer's recommendation was moved by Councillor J Bridges, seconded by Councillor J Legrys.

RESOLVED THAT:

The application be refused in accordance with the recommendations of the Head of Planning and Regeneration.

**85. A3
16/01224/FUL: ERECTION OF 4 BUNGALOWS AND ASSOCIATED
INFRASTRUCTURE**

Site at Staley Avenue, Ashby De La Zouch, Leicestershire, LE65 2PP

Officer's Recommendation: PERMIT

Chairman's initials

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

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

Councillor G Jones stated he was happy to support the application as ward member.

RESOLVED THAT:

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

**86. A4
16/01207/FUL: DEMOLITION OF EXISTING GARAGES AND ERECTION OF 2NO. TWO BEDROOM BUNGALOWS.**

Land Adjacent to 32 Verdon Crescent, Coalville, Leicestershire, LE67 4QW

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

The officer recommendation was moved by Councillor R Adams and seconded by Councillor J Legrys.

Councillor R Adams stated that it was good to see that the Council was providing new bungalows.

RESOLVED THAT:

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

**87. A5
15/01005/FUL: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 7 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE**

Land at Queens Street, Measham, Swadlincote, Derbys, DE12 7JE

Officer's Recommendation: PERMIT subject to S106 Agreement

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

The Legal Advisor reminded Members that boundary disputes were not planning matters and therefore could not be considered a reason for refusal.

Councillor S Sheahan, neighbouring Ward Member addressed the Committee. He stated that the site would be over developed and as these were proposed starter homes there were issues around the highways safety as the roads were narrow, there were two blind bends and an inadequate turning circle. The access and private drive would not comply with the County Council's 6Cs document. He felt that the applicant should consider combining the development with the Queensway House site to make it more attractive. He urged the Committee to consider deferring the application if they felt the problems could be resolved, but if they could not then they should refuse the application.

Ms P Wheatcroft, objector, addressed the Committee. She advised the Members that a previous application for seven houses had been refused in 2013 as the proposal did not fit the site and the developer had not addressed the issues over the boundary which would be solved if the northern boundary was accurately shown on the plans. She highlighted

Chairman's initials

that the location of the storage for the seven waste bins would have an adverse effect on the neighbouring properties and due to the narrow road the bin lorry would not be able to access them without reversing which would be dangerous. There was no suitable turning and the drive was not wide enough which would not be acceptable in relation to the County Councils 6Cs document. She questioned the root protection of the trees and whose responsibility it would be. She felt that the development was a very poor design and not deliverable, and urged Members to refuse the application.

Mr S Mitchell, applicant, addressed the Committee. He advised Members that permission had been granted for five dwellings but the site had been extended to accommodate eight dwellings and the application had now been reduced to seven dwellings. He informed Members that each property would have well adequate sized gardens and two car parking spaces each, and the landscaping would enhance the amenity of the area. He highlighted to Members that they had addressed all the concerns that had been raised by officers, including preserving neighbour's privacy and amenity, the development would contribute to the area and there was a huge requirement for good quality housing at starter prices that the application would contribute towards.

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

Councillor D Everitt stated that having seen the site it was difficult to visualise the development as it was covered in natural growth. He was of the view that the site should be developed but expressed concerns over the large slope and that the district would be stuck if the site was developed and this later turned out to be a mistake. He stated that he could not support the development as he felt too much was being packed in for the site to be enjoyable.

Councillor J Legrys stated that he had a number of issues with the development. He felt that the previous application for the site with five dwellings met the 6C's design guide, but the one before them did not. He felt that the applicant should have negotiated with the Council over the Queensway House site to provide a better development and that he was not happy with the access. He stated that the site would be over developed and that the applicant has missed an opportunity.

Councillor D Harrison stated that he had listened to what had been said and understood where speakers were coming from but was unsure of the legalities for working with Queensway House. He felt that the site was not the prettiest and questioned what preparation and safety measures were to be taken against the risk of flooding in relation to the slope. He highlighted that houses were needed and that it was with a heavy heart that he supported the application.

The Director of Services stated that developing the site with Queensway House included was a consideration and that the applicant was open to the idea, however they wanted to crystallise permission for the land that they owned.

Councillor M Specht stated that there would be an engineering solution for the slope of the site and whilst he would like to see a wider development, the site had deteriorated since the last site visit and it was time something was done with it.

The Director of Services stated that discussions had taken place with the applicant in respect of deferring the application so that further information could be obtained. The applicant was not willing to do this as all the required information and detail had been obtained and provided for within this application. He therefore explained that should the application be deferred we would have the same application before us next time and therefore advised that the matter should be decided upon at this committee.

Councillor R Canny stated that on this basis she could not support the application.

Councillor J Legrys requested a recorded vote.

Councillor J Bridges stated that he had reservations over the density, however there was no objection from the County Highways Authority and there was a need for housing.

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

For the motion:

Councillors J Bridges, J Clarke, J Cotterill, J G Coxon, D Harrison, J Houl, G Jones, P Purver, N Smith, M Specht and D J Stevenson(11).

Against the motion:

Councillors R Adams, R Canny, D Everitt, R Johnson, J Legrys(5).

Abstentions:

None (0).

The motion was declared CARRIED. It was therefore

RESOLVED THAT:

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

88.

A6

16/01145/OUT: ERECTION OF TWO DWELLINGS AND ASSOCIATED ACCESS AND PARKING ARRANGEMENTS (OUTLINE - MEANS OF ACCESS AND LAYOUT FOR APPROVAL)

23 Church Hill, Swannington, Coalville, Leicestershire, LE67 8QB

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mrs H Parsons, applicant, addressed the Committee. She advised the Members that the application would be for family members to live in to give them a better life and get them out of rented properties, and thus a local needs dwelling. She highlighted to the Committee that there was full support from the neighbours, there would be no overshadowing of other properties, the proposed development was within the boundary of her land and the application would have no impact on highway safety with adequate visibility. She informed Members that the family contributed to the village with litter picking, gritting and that a local architect had been contracted to ensure that the development was sympathetic to the area.

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

Councillor D Harrison stated that he thought that the development was a gift and a wonderful idea to build in their own garden for the benefit of the family. He highlighted that the dwellings would be in the curtilage of the property and he had thought that site was a neighbouring field.

Councillor G Jones concurred that it was an ideal location to build and supported the application.

Chairman's initials

Councillor J Bridges stated that the only issue was the speed along the road and that he would have to support the officer recommendation. He stated that the speed limit should be reduced on the road and if it was then he could support the application.

Councillor D Everitt stated that the application was going against the rules on protecting the countryside as it was not one house but two.

Councillor J Legrys stated that he was clear why he was supporting the officer recommendation as the issue was building in the countryside. He felt that even if the speed limit was reduced along the road, many people would not obey it and that if the application was permitted the residents would still be reliant on cars. He advised the Committee that rules and standards needed to be adhered to as the Local Plan was with the Secretary of State and the plan needed to be safeguarded.

Councillor N Smith stated that he would support the application if the speed limit was 30mph.

Councillor M Specht questioned whether the applicant had sought pre application advice from officers as they would have been advised that the site was in the countryside and would possibly be refused. He supported the officer's recommendation.

Councillor J G Coxon questioned if there were any records of any accidents that had occurred along the road as he was not aware of any. He stated that you could not stop people from walking along the road and that there were already existing properties on the road. He supported the application.

Councillor D J Stevenson stated that it was becoming difficult to explain how applications for a small number of houses to be built outside the Limits to Development were being permitted and that the only issue with the application that was in front of them was the speed along the road that the development would be accessed off.

RESOLVED THAT:

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

89.

A7

16/01247/FUL: PROPOSED ERECTION OF A DETACHED DWELLING

Land adjacent to 27 Moor Lane, Coleorton, Coalville, Leicestershire, LE67 8FP

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Ms A Smedley, Agent, addressed the Committee. She advised the Members that the application was for a genuine local need as the applicant needed a home close to the family farm where he worked adding that the applicant was born and bred in the village and there was nowhere else for him to reside. She accepted that the site was outside the Limits to Development but it lay between two other dwellings therefore it would not be isolated. She informed the Committee that the applicant would be happy to enter into a Section 106 Agreement to restrict the dwelling to meet a local need and that it would assist with maintaining the vitality of the village and there would be no reliance on a car to travel to work as he would only be crossing the road. She highlighted that the development would be socially and economically sustainable and there were no statutory objections.

Chairman's initials

Councillor J G Coxon moved that the application be permitted on the grounds that development would be infill and that it was related to the farm across the road. It was seconded by Councillor J Bridges.

Councillor J Bridges stated that the Council needed to support the farming community as it was in decline and the development would allow the family to continue. He highlighted that there had been no objection from statutory consultees and that the applicant was happy to enter into a Legal Agreement.

Councillor J Clarke stated that he did not like the idea of building outside the Limits to Development, but the application before them was more in fill.

Councillor G Jones stated that he had little to add but supported that motion to permit the application.

Councillor J Legrys stated that application was on a 60mph road similar to the previous application and that he would be supporting the officer's recommendation to refuse. He stated that there was enough room for two or three dwellings and that having visited the site there were several other sites that in future could put applications in to be developed. He added that the Committee needed to clear on its policy of refusing applications that were outside the Limits to Development in the countryside.

Councillor J Hoult stated that it was not a fast road and that the family had farmed there for nearly a hundred years having built the farm up from just two acres. He advised that the house was local needs to allow the family's lively hood.

Councillor M Specht stated that the site was outside the Limits to Development and as such the Parish Council had objected to the application, however having been out on site he felt that it would not isolated and rounded off the settlement.

Councillor N Smith stated that the Committee had to be consistent as he could not see how the previous one had been refused on a 60mph road and it appeared that the one before them would be permitted.

RESOLVED THAT:

The application be permitted as it was a sustainable development with the imposition of conditions and negotiation of a Section 106 agreement delegated to the Head of Planning and Regeneration.

- 90. A8**
16/01397/PDNATR: PRIOR APPROVAL NOTIFICATION FOR THE DEMOLITION AND CHANGE OF USE AND EXTERNAL ALTERATIONS OF AN EXISTING AGRICULTURAL BUILDING TO FORM 1 NO DWELLING
 Clock Mill, Swepstone Road, Measham, Swadlincote, Derby, DE12 7HS

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

Councillor R Blunt, Ward Member, addressed the Committee. He stated that in principal the application was fine but drew their attention to the officer's report that stated that a previous application had been refused on the grounds of highways safety and even though the application before them was for one dwelling the road that the site was accessed from was a commuter road with a 60mph average speed. He urged Members to refuse the application on the grounds of highways safety.

Chairman's initials

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

Councillor J Bridges stated that there was no objection from the highways safety and felt that a tractor pulling out slowly from the site would be more dangerous. He stated that he could not see how we could sustain an argument to refuse.

Councillor R Adams raised concerns over the speed that he had seen vehicles travelling along the road whilst on the site visit and felt that he could not support the application.

RESOLVED THAT:

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

91.

A9

16/00287/FUL: FORMATION OF SLURRY LAGOON AND ASSOCIATED INFRASTRUCTURE

Springwood Farm, Melbourne Road, Staunton Harold, Derby, Leicestershire, DE73 8BJ

Officer's Recommendation: PERMIT

Cllr Stevenson advised what the proposal was for and that previous objections from Natural England had been withdrawn and on that basis he moved the application for approval. It was seconded by Councillor J Bridges.

RESOLVED THAT:

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

Councillor R Blunt entered the meeting at 5.15pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.49 pm