

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 JANUARY 2014

Present: Councillor J Bridges (in the Chair)

Councillors R Adams, J G Coxon, D Everitt, T Gillard, J Hoult, D Howe, R Johnson, G Jones, J Legrys, T Neilson, M Specht and R Woodward

In Attendance: Councillors D De Lacy, J Geary, T J Pendleton and L Spence

Officers: Mr C Elston, Mr D Gill, Mr D Hughes, Mr J Knightley, Mr J Mattley, Mr A Mellor and Mrs M Meredith

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, N Smith, D J Stevenson and M B Wyatt.

32. 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 item A2, application number 13/00780/OUTM, as a Member of Leicestershire County Council.

Councillor J G Coxon declared a non-pecuniary interest in item A4, application number 13/00694/OUTM, as a Member of Ashby Town Council and its Planning Committee. He also declared that he had been lobbied without influence in respect of this application.

Councillor J Hoult declared a non-pecuniary interest in item A4, application number 13/00694/OUTM, as a Member of Ashby Town Council and as Chairman of its Planning Committee.

Councillors R Adams, J Cotterill, D Everitt, J Hoult, J Legrys, T Neilson and R Woodward declared that they had been lobbied without influence in respect of item A1, application number 13/00603/FULM.

Councillors R Adams, J Cotterill, D Everitt, J Legrys and T Neilson declared that they had been lobbied without influence in respect of item A2, application number 13/00780/OUTM.

Councillors R Adams, J Cotterill, D Everitt, J Legrys and T Neilson declared that they had been lobbied without influence in respect of item A3, application number 13/00626/OUTM.

Councillors R Adams, J Cotterill, D Everitt, R Johnson, G Jones, J Legrys, T Neilson and R Woodward declared that they had been lobbied without influence in respect of item A4, application number 13/00694/OUTM.

Councillors J Cotterill, D Everitt, T Gillard, J Legrys and R Woodward declared that they had been lobbied without influence in respect of item A5, application number 13/00060/FUL.

33. MINUTES

Consideration was given to the minutes of the meeting held on 3 December 2013.

Councillor M Specht referred to the recorded vote in respect of item A3, application number 13/00818/OUTM. He sought clarification as to whether the minutes were an accurate reflection of proceedings as this appeared to show that some Members voted in one manner on the motion to refuse the application, and then voted in the opposite manner on the motion to approve the application.

The Chairman clarified that this was an accurate record of the proceedings.

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

RESOLVED THAT:

The minutes of the meeting held on 3 December 2013 be approved and signed as a correct record.

34. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Regeneration and Planning, as amended by the update sheet circulated at the meeting.

35. A1 - 13/00603/FULM

Residential development for 27 dwellings including demolition/conversion of former school Land Off Church Lane Ravenstone Coalville

The Senior Planning Officer presented the report to Members. Further to the update sheet, he advised that Leicestershire County Council's position was that without the full developer contributions, especially in relation to education, they would not have the funds available to make up the shortfall.

Mrs S Lunn, representing the Parish Council, addressed the Committee. She referred to the density of the application and stated that the proposals were inappropriate for the environment. She added that the amenity the land provided as a wide open space had been ignored. She highlighted that the developer contribution of £55,000 represented 10.7% of what was required for sustainable development, and asked how this could be justified. She also asked if this would set a dangerous precedent of putting the burden on the taxpayer to subsidise development. She stated that the old school was a recognised heritage asset and the proposed landscaping did not mitigate the loss of the gardens. She added that the proposals were more reminiscent of suburbia than a rural landscape. She referred to the traffic and parking issues and stated that the traffic assessment had been completed based on an out of date Google map. She felt that the benefits of the scheme did not outweigh the harm and asked who would meet the shortfall of £450,000. She concluded that the proposals did not constitute sustainable development on account of their inability to meet the cost to the public purse.

Mrs M Danaher, objector, addressed the Committee. She relayed the background of the Lombardy Poplar trees which had been planted to commemorate those who had served in World War I. She added that the footpath through the middle of the site was widely known as memorial walk and should be preserved as many relatives of those who died in World War I still lived in the locality. She stated that the school was the only recognisable Victorian building in the village and if this was demolished it would have lost its historic character. She added that the boundary wall which had been retained in previous developments would be lost. She referred to the current parking issues and stated that elderly residents at the Almshouses would be put at risk. She added that the introduction

of double yellow lines would increase congestion. She concluded that heritage was very precious and should be retained.

Dr M Wellstood-Eason, supporter, addressed the meeting. He stated that the development solved a number of problems for Ravenstone and the old school was an eyesore which would benefit from having the recent additions removed. He added that the land was currently unused and the footpath was muddy and overgrown. He felt that the concerns in respect of increased traffic would pale into insignificance taking into consideration the benefits of the scheme and compared to the traffic chaos that used to occur when the school was previously open. He added that the only loss was the Lombardy Poplars, however the view was that these would sadly be lost in the near future irrespective of this application. He stated that the Almshouses was a listed building in need of repair, without which it may have to close. He urged Members to permit the application as recommended by the officer as there were no grounds for refusal.

Mrs J Hodson, the applicant's agent, addressed the Committee. She asked Members to support the officer's recommendation. She highlighted that Cameron Homes were specialists in this type of heritage site which required a high quality scheme. She stated that the construction materials would enhance the conservation area and the character of nearby listed buildings had been carefully considered in conjunction with the Council's conservation officer. She added that the proposals were within the limits to development of the village and therefore there was a presumption in favour of development. She acknowledged that the site was low density, however this was appropriate to the location. She stated that the proposals would improve the street scene, would bring the old school and the land back into use and would boost the housing land supply.

Councillor R Johnson expressed disappointment in respect of the lack of affordable housing and the insulting amount of developer contribution which had further reduced according to the update sheet. He felt that the developer needed to get back to basics and consult with local residents on what they wanted. He stated that he could not support a proposal like this without affordable housing provision.

The Head of Regeneration and Planning advised that the Council's policy in respect of affordable housing contributions was guidance only, and each application had to be weighed on its own merits. He added that in this instance, the site was in a special conservation area, and the funding required for the design element meant that there would be insufficient funding to provide affordable housing. He added that the District Valuer concurred with this view.

Councillor J Legrys referred to the access and traffic issues, and the proposal to introduce double yellow lines should the application be approved. He understood that there had been a change of policy in that the Highways Authority would not impose waiting restrictions before the development was occupied, as there was often a long period between approval and execution of a development. He stated that visibility at the site access was already limited, and there were problems on Church Lane. He added that the proposals would cause a serious highways issue with a substandard access. He expressed disapproval that construction materials were being prioritised over community services. He referred to the proposed developer contribution in respect of education, and the current position of Leicestershire County Council that they could not afford to top up the money required to improve Woodstone School. He expressed disapproval that the taxpayer should have to pay for improved education facilities and the developer would walk away without having to pay. He felt that it was a matter of principle that the development was not sustainable as it could not sustain its duty to the community.

Councillor A Bridges sought clarification on what consideration had been given to the impact on the village.

The Senior Planning Officer referred to the report which outlined the impact of the development by itself and cumulatively taking into account all three proposals. He stated that the view had been taken that the increase in property numbers would be in accordance with the now withdrawn Core Strategy, and on that basis there were no objections to the proposals.

Councillor A Bridges referred to the low density of the proposals and the lack of affordable housing provision. She asked if the number of dwellings on the site could be increased to enable the provision of affordable housing.

The Senior Planning Officer advised that there could be concerns from a conservation viewpoint if the density were increased.

Councillor D Everitt stated that at the site visit, he was quite pleased with the proposals. However he expressed concerns that the goalposts appeared to be moving and based on what he had heard at the meeting he felt he could not support the proposals.

The Senior Planning Officer clarified the update in respect of developer contributions. He advised that the amount being offered by the developer had not changed, however an additional request had been submitted by the Parish Council which reduced the pro-rata amounts slightly.

Councillor M Specht stated that the majority of the site could not be seen from the road. He added that he supported the recommendation but expressed concerns regarding the current safety of the footpath. He felt that this should be closed off until all the trees could be assessed.

Councillor G Jones paid tribute to all the contributions which had been made at the meeting. He expressed sympathy regarding the Lombardy Poplar trees, but highlighted that the walkways would be retained and enhanced. He felt the developer contributions were too low, however the development would have a beneficial impact on the local area and would provide a good mix of housing. He added that he would like to see a larger contribution to the Almshouses.

Councillor T Neilson expressed sympathy in respect of the value given to the Lombardy Poplar trees, however given that the Council's tree officer had concluded they would not survive, this could not be a material consideration. He felt that the works to the school would improve the streetscene. He stated that the developer contributions were miserly, and suggested that the developer come back with a scheme that was viable.

Councillor J Bridges asked if the request for developer contributions would be the same if the proposed development was not in a conservation area.

The Head of Regeneration and Planning advised that the contributions requested were in line with the policy and each scheme needed to be assessed in terms of its viability. He added that developers were not currently selling houses as quickly and not necessarily for the full market value.

Councillor J Bridges asked if a developer submitting an outline application could simply make a statement at that stage to indicate that they would pay the full amount of developer contribution.

The Head of Regeneration and Planning advised that outline applications were not normally accepted in conservation areas, however the position in respect of developer

contributions could change from the outline application if a further full application was submitted.

It was moved by Councillor T Gillard and seconded by Councillor A Bridges that the application be permitted in accordance with the officer's recommendation.

Upon being put to the vote, the motion was declared LOST.

It was moved by Councillor J Legrys and seconded by Councillor R Adams that the application be refused on the grounds that the development was not sustainable given the amount of developer contributions currently being offered.

Upon being put to the vote, the motion was declared CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the development was not sustainable given the amount of developer contributions currently being offered.

36. A2 - 13/00780/OUTM

**Residential development of up to 50 dwellings, with new vehicular access, landscaping, public open space, balancing pond, national forest planting and creation of new allotments. (Outline - all matters other than part access reserved)
Land Off Heather Lane, Ravenstone**

The Senior Planning Officer presented the report to Members.

Mr R White, on behalf of the Parish Council, addressed the Committee. He stated that the proposal was outside the limits to development and approval would be contrary to Policy S3. He referred to the Localism Act which enshrined in law the need for public consultation, however the developers had not attended. He felt that Ravenstone had inadequate infrastructure and local facilities to accommodate this development. He stated that the narrow roads could not cope with the existing traffic. He added that Woodstone School was at capacity and there were no doctors or dentists within walking distance. He stated that there were serious problems with flooding to the south of the site. He expressed concern that no ecological field study appeared to have been undertaken, however Ravenstone had a historic background, with Mesolithic, Neolithic and Bronze Age flints and arrow heads having recently been found. He concluded that the development would be the death warrant for Ravenstone as the village identity would be lost.

Mr D Lunn, objector, addressed the Committee. He stated that the development was too large and in the wrong location, being outside the limits to development. He added that the proposals would scar the approach to the development land and Woodstone School, which was at capacity, would lose its rural setting. He stated that Heather Lane was a section of the national cycle network and this road would be busier than ever with no footpaths. He urged Members to refuse the application.

Mrs M Duffy, the applicant's agent, addressed the Committee. She stated that Ravenstone was a sustainable location for development, being well related to Coalville and the range of opportunities it provided. She added that the issue in respect of cumulative impact had been assessed and deemed acceptable, and Leicestershire County Council had no objections in respect of highway safety. She highlighted that 20% of the site would be given over for National Forest planting which would enhance the landscaping and provide a buffer for existing residents. She added that a new footpath

would provide a link for residents walking to and from the school. She referred to the positive social and economic benefits provided by the Section 106 package and the provision of affordable housing. She urged Members to permit the application.

Councillor J Legrys outlined the similarities of the application to the Moira Road site in Ashby which had been lost at appeal. He stated that if Members were minded to approve the application, he would have particular concerns in respect of the contribution towards education. He highlighted that there was currently a deficit of 12 places at Woodstone School. He added that although Heather Primary School currently had a surplus of 10 places, Heather Lane was not suitable for primary school children to walk down. He asked if the contributions in respect of education could be solely allocated to Woodstone School.

The Senior Planning Officer advised that he had discussed the matter with the Education Authority and they had confirmed that all education monies from sites in Ravenstone would be spent on Woodstone School. He added that this could be secured in the Section 106 Agreement.

Councillor J Legrys asked that the developer consider providing dropping-off places at the school to overcome on-street parking issues.

Councillor J Bridges advised that this matter would be under discussion separately at the monthly Members Planning Forum.

The Head of Regeneration and Planning advised that as the application was in outline form, this request could be considered as the application progressed into the detail stage.

Councillor T Neilson stated that if the District Council was not in its current position in terms of the policy backlog and the five year housing land supply, he believed the application would be recommended to be refused on the grounds that it was not in accordance with Policy S3. He added that he could see no other reasons for refusal, and given the current situation, there was no other option.

Councillor G Jones asked if the land had ever been opencasted. It was clarified that it had not.

Councillor G Jones stated that the Council was duty bound to provide a healthy environment and good quality homes, and so he would be supporting the proposals.

Councillor M Specht stated that he would have been voting against the proposal if affordable housing had not been provided. He added that he would support the application on the basis that the affordable housing offer would not alter in the detail stage.

Councillor J Bridges supported this view in respect of affordable housing. He pointed out that the application was outline, and the Committee would be looking closely at the full application in due course.

It was moved by Councillor T Gillard, seconded by Councillor J Bridges and

RESOLVED THAT:

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

**Residential development of up to 65 dwellings along with a new access, amenity space and associated works (Outline - All matters other than part access reserved)
Land At Ibstock Road, Ravenstone, Coalville, Leicestershire**

The Senior Planning Officer presented the report to Members.

Mr P Tubb, representing the Parish Council, addressed the Committee. He stated that there were problems that would render the development unsustainable. He pointed out that the development was clearly aimed at families, however it was not within walking distance of a bus route. He added that two thirds of the bus stops in Ravenstone were not serviced, and the number of services was being reduced. He referred to the deficit in school places and remarked that the one class per year system would be lost. He added that cyclists would be at increased risk with no proposed reduction in speed limit. He stated that there were not enough services to accommodate a 24% increase in housing. He felt that the village identity would be lost and the conservation area would be negatively impacted. He added that traffic issues would worsen.

Mr A Soeder, objector, addressed the meeting. He stated that the residents of Ibstock Road were living on a dangerous road, the transport situation being the main issue, and the measures proposed were insufficient. He added that the transport assessments undertaken in 2008 and 2011 had not considered the impact of 1,000 new houses, and these reports needed to be revised. He highlighted that the road audit had taken place at 12.15pm, which was an inappropriate time to properly assess the traffic. He referred to the death of a girl on the road in 2009, and the subsequent call to reduce the speed limit. He felt that this was even more relevant now, however no action had been taken. He added that casualties could rise significantly. He asked the Council to avoid danger to residents, and concluded that measures should be taken prior to development to prevent fatalities.

Mr M Robson, the applicant's agent, addressed the Committee. He stated that the scheme would provide 30% affordable housing, a rich mix of housing types and tenures, and a high quality scheme. He highlighted that the site was contained with urban inferences on three sides, and would provide public open spaces. He stated that the Section 106 contribution exceeded requirements. He added that the applicant was entirely content to pay the requested sums and had no intention to 'chip' away at the contributions. He highlighted that there had only been twelve letters of objection from local residents and there were no concerns from the Parish Council or the statutory consultees. He added that there would be contributions towards bus stop improvements.

Councillor J Bridges stated that he was pleased to see that the applicant had recognised the need for affordable housing in the area. He added that he would welcome a full application rather than an outline application.

Councillor J Legrys referred to the current Local Plan and sought clarification on the designation of the site.

The Head of Regeneration and Planning advised that the land had been designated as a sensitive area rather than an area of separation. He added that this policy was designed to prevent an ongoing ribbon of development down the road, and he felt that this proposal would achieve this by preventing development either side. He added that the policy did not outweigh the requirement to increase the housing numbers.

Councillor J Legrys felt that this scheme was the best of the three Ravenstone schemes. He highlighted that the developer had tried to engage the Highway Authority to reduce traffic speeds in order to aid access and egress. He understood that the developer's

proposals had been rejected by the Highway Authority. He felt that if a developer was prepared to install a road safety feature, the Highway Authority should take the opportunity. He agreed that he would like to see more firm full applications rather than outline. He concurred that the development would form a convenient boundary. However he felt that the Committee urgently needed to start using its policy remit to tell village communities where the boundaries lay.

Councillor J Bridges commented that if the developer was not required to make a contribution towards highways, perhaps more contribution could be made towards education.

Councillor M Specht stated that he supported the proposals in view of the provision of affordable housing and the land break between existing properties which would be provided by the development.

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

RESOLVED THAT:

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

The meeting was adjourned at 6.25pm and was reconvened at 6.32pm.

It was moved by Councillor J Bridges, seconded by Councillor J Legrys and

RESOLVED THAT:

The meeting be extended by not more than 30 minutes in accordance with the Council Procedure Rules.

38. A4 - 13/00694/OUTM

Residential of up to 70 dwellings (Class C3). Green infrastructure to include retained vegetation, habitat creation (including new woodland planting), open space, amenity space & play areas, sustainable drainage systems/features, & new walking/cycling/recreational routes. Infrastructure to include highway & utilities & associated engineering works (including ground modelling) & vehicular access via the construction of a new junction off the existing Lower Packington Road (outline - all matters reserved other than access)

Site At Lower Packington Road, Ashby De La Zouch, Leicestershire LE65 1TS

The Principal Planning Officer presented the report to Members.

Mrs M Tuckey, representing the Town Council, addressed the Committee. She stated that Ashby Town Council had strong objections to the development. She felt that Lower Packington Road should be the boundary to development. She referred to the severe traffic implications in terms of double parking, and increased congestion due to the winding roads. She stated that this would make the existing problems worse and local residents had voted this site as the least favourable. She added that the District Council had refused to endorse the site in the Local Plan and the submission Core Strategy, and development on the site had been consistently rejected. She concluded that the development was unsustainable and inappropriate and urged Members to refuse the application.

Dr N Garnham, objector, addressed the Committee. He highlighted that the site was outside the limits to development and was part of a much larger site which was refused on appeal in 2009. He added that the Secretary of State had identified that the development was unsustainable and would cause harm to the character of Ashby de la Zouch. He felt that these factors were still relevant today and as such he expressed astonishment that the officer had recommended that the application be permitted. He stated that the site would be blighted by noise from the A42 and was on the proposed HS2 route. He pointed out that the HS2 route would not be in a cutting but would be elevated, and therefore the noise assessment was inaccurate. He referred to the impact on road safety and contested the sustainability of the site. He concluded that there were more suitable sites known to the local planning system and he urged the Committee to take note of the overwhelming local objection.

Councillor J G Coxon stated that the site was part of a larger development which had been refused at the inquiry and he was dismayed at the officer's recommendation. He felt that this was not a natural area of growth for the town, and the location was unsustainable with no accessibility for walking, cycling or public transport having been demonstrated. He concluded that Lower Packington Road should be a development boundary for the town.

Councillor J Bridges sought advice on reasons for refusal of the application.

The Head of Regeneration and Planning advised that he could not concur that HS2 was a reasonable planning objection. He stated that the reason the application was recommended to be permitted was that the Council did not have a Core Strategy in place. If the Core Strategy was in place, a reasonable objection would be that the proposal did not relate well to the existing pattern of development and was not sustainable. However he highlighted the risks due to existing precedent and the current position in respect of the Core Strategy.

Councillor J Hoult stated that Lower Packington Road should be the boundary for development. He added that just because the Core Strategy had been withdrawn, that did not mean that Ashby de la Zouch should suffer.

Councillor G Jones stated that he could not support the application. He pointed out that Ashby Town Council had consistently voted against it and it was essential to preserve the small green wedge between Ashby de la Zouch and Packington.

Councillor J Legrys felt that refusing the application was the right decision. He felt that the area of separation was important. He recalled the difficulty with accessing the site on the site visit, which demonstrated how unsustainable the development was. He added that the site was remote from Ashby de la Zouch and the bus service would only be available for part of the day. He added that the developer had proposed no mechanism to improve or provide highways access. He felt that developers were trying their luck.

It was moved by Councillor J G Coxon and seconded by Councillor J Legrys that the application be refused on the grounds that it was unsustainable and would be located beyond the existing established extent of the town.

The motion was put to the vote and declared CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the development was unsustainable and would be located beyond the existing established extent of the town.

39. A5 - 13/00060/FUL**Erection of 8 no. detached dwellings with associated access road
Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick, Coalville**

The Senior Planning Officer presented the report to Members.

Councillor L Spence, as Ward Member, addressed the Committee. He stated that he was not averse to development on the site in principle, however there were three issues of significant concern to local residents. He expressed disappointment that Leicestershire County Council had chosen not to object on highway safety grounds, as the access was on a steep incline on a busy road, with a single file footpath. He added that existing residents had contacted him due to poor visibility and speeding traffic, a fact which was accepted by Leicestershire County Council when part night lighting was discussed. He felt that the development would significantly increase the risk if the access was sited in its proposed location, and if the Committee were minded to approve the application, consideration must be given to developer contributions to minimise the risk. He explained that Gracedieu Brook flooded regularly and put homes at risk at least annually. He stated that residents were concerned that the development would lead to an increased risk of flooding. He expressed concerns regarding overbearing and intrusion. He stated that the topography of the site meant that some properties were proposed to be located directly above existing properties. He added that consideration must be given to the measures which could be taken to prevent intrusion. He felt that the enjoyment of privacy was being put at risk and he urged Members to reconsider.

Mrs S Alldread, objector, addressed the Committee. She stated that the proposals would offer no benefit for local residents or for wildlife. She referred to the existing problems with speeding traffic and felt the development would lead to an increase in traffic. She explained that the plot of land was invaluable to wildlife and the proposals would not sustain the species on the site. She stated that the proposals would mean that she would be looking from her kitchen window into a brick wall, and all light to her property would be overshadowed. She expressed concerns regarding water drainage and that this would be diverted to the properties below.

Councillor J Bridges stated that a number of issues had been brought to his attention, and he moved that the application be deferred due to highways and other issues.

Councillor T Gillard indicated that he wished to move that the application be refused as it was contrary to policies T3 and E3. He referred to the current traffic issues and stated vehemently that this was an accident waiting to happen.

The motion to defer the application was seconded by Councillor M Specht.

The Legal Advisor explained that as the motion to defer the application had been moved and seconded, this needed to be considered before a further motion could be proposed.

The motion to defer the application was then put to the vote and declared a tie. The Chairman exercised his casting vote, and the motion was declared CARRIED.

RESOLVED THAT:

The application be deferred to allow further consideration of the highways, flooding and residential amenity issues.

40. A6 - 13/00740/FUL

**Erection of 6 no. dwellings with associated access off Kings Gate
Post Office Farm, 7 Main Street, Lockington, Derby**

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

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

RESOLVED THAT:

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

The meeting commenced at 4.40 pm

The Chairman closed the meeting at 7.12 pm