MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 FEBRUARY 2014

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, A Bridges (Substitute for Councillor N Smith), J Bridges, J Cotterill (Substitute for Councillor G A Allman), J G Coxon, D Everitt, T Gillard, J Hoult, D Howe, R Johnson, G Jones, J Legrys, T Neilson, M Specht, R Woodward and M B Wyatt

In Attendance: Councillors J Geary, T J Pendleton, S Sheahan and L Spence

Officers: Mrs V Blane, Mr C Elston, Mrs H Exley, Mr D Hughes, Mr J Knightley, Mr A Mellor, Mr S Stanion, Mrs R Wallace and Ms S Worrall

41. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman and N Smith.

42. DECLARATION OF INTERESTS

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

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM, item A3 application number 13/00829/OUT and item A5, application number 13/00913/OUT. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillors R Adams and D Everitt declared that they had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT.

Councillor D Howe declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor R Woodward declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor R Johnson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT. He also declared a non-pecuniary interest in item A2, application number 11/01054/FULM as a member of Hugglescote and Donington le Heath Parish Council and item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillor T Neilson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A3 application number 13/00829/OUT. He also declared a non-pecuniary interest in item A4, application number 13/00702/FULM as a member of the Central England Co-operative.

Councillors J Hoult and M B Wyatt declared that they had been lobbied without influence in respect of item A2, application number 11/01054/FULM.

Councillor J G Coxon declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM. He also declared a non-pecuniary interest in item A6, application number 13/00983/COM as a member of Leicestershire County Council.

Councillor A Bridges declared that she had been lobbied without influence in respect of item A2, application number 11/01054/FULM. She also declared a non-pecuniary interest in item A5 as an acquaintance of the applicant.

Councillor T Gillard declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL and item A2, application number 11/01054/FULM.

Councillors J Cotterill, G Jones and M Specht declared that they had been lobbied without influence in respect of item A2, application number 11/01054/FULM.

Councillor J Bridges declared a non-pecuniary interest in item A5 as an acquaintance of the applicant.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 13/00060/FUL, item A2, application number 11/01054/FULM and item A4, application number 13/00702/FULM.

During consideration of the application, Councillors J G Coxon, M Specht and D J Stevenson declared a non-pecuniary interest in item A5, application number 13/00913/OUT as an acquaintance of the applicant.

43. MINUTES

Consideration was given to the minutes of the meeting held on 7 January 2014.

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

RESOLVED THAT:

The minutes of the meeting held on 7 January 2014 be approved and signed as a correct record.

44. 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.

In light of issues regarding developer contributions and potential future appeals, the Chairman moved that item A2, application number 11/01054/FULM, be deferred to allow further negotiations with the developer. It was seconded by Councillor J Legrys.

RESOLVED THAT:

The application be deferred to allow further negotiations in relation to developer contributions.

45. A1 13/00060/FUL

Erection of 8 no. Detached dwellings with associated access road
Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick

The Senior Planning Officer presented the report to Members.

Councillor L Spence, Ward Member, addressed the Committee. He explained that he had requested more time to consider this application when it had previously been to Committee and during this time he had met with Leicestershire County Council's Director of Transport and Officers from the Environment Agency but unfortunately his concerns had only worsened. He had been told by the Director of Transport that that speeds in the area were above the limit and in fact 85 per cent of traffic was travelling above the speed limit, however this was not enough for any concern. He stated that local knowledge indicated that the brook flooded regularly which was a major concern for the development of the site but he was disappointed that the Environment Agency did not agree. He stated that he believed the statutory consultees were wrong in agreeing to the proposals as it put local residents at risk and he urged Members to do the right thing and refuse the application.

Councillor R Woodward stated that due to highway safety concerns, the development being overbearing and the risk of flooding, he moved that the application be refused. It was seconded by Councillor T Gillard and he proposed that the grounds for refusal be that the development was contrary to policies E3, T3 and H4. Councillor R Woodward as mover of the proposition agreed with the grounds for refusal put forward.

Councillor D Everitt stated that he was disappointed that the previous concerns had not been addressed and he fully supported refusal of the application. He raised concerns regarding flooding of the brook and sewers, the incline of the site and highway safety due to speeding traffic. He stressed that the Committee had a duty of care to the local people as the development would cause serious problems.

Councillor D Howe expressed his concerns regarding highway safety as speeding on the road was already very dangerous and he also reminded Members that applications on this site had been refused twice before.

Councillor G Jones spoke in favour of the application as other parts of Europe build on much steeper inclines. He also believed that more traffic in the area due to the development would help to slow down the speed of traffic.

Councillor A Bridges reminded Members that there were houses built on either side of the site and there was also a petrol station further down the road, this led her to believe that civil engineering was substantial enough to build the houses. She also added that flooding in the area could be a result of lack of maintenance as this had been known in the past in other areas.

In relation to the proposed reasons for refusal, the Head of Regeneration and Planning gave the following advice. He reported that using policy E3 would be acceptable but transport and flooding reasons would be difficult to support as there have been no objections from the statutory consultees. He also added that policy H4 was not now relevant due to the lack of Core Strategy. He recommended that the main reason for refusal be policy E3 and T3 subject to any further comments from Leicestershire County Council's regarding highway safety.

Councillor T Gillard stated that he wanted to continue with his original reasons for refusal and added that if policy H4 was no longer relevant it should not be referred to within the agenda papers.

RESOLVED THAT:

The application be refused on the grounds that the development was contrary to Policies relating to design and residential amenity, E3, H4/1 and T3 subject to receiving confirmation that the Highway Authority were objecting to the application.

46. A2 11/01054/FULM

Erection of 188 no. Dwellings with associated garage/parking, infrastructure, construction of new access off Frearson Road and formation of open space, landscaping and balancing pond
Land Off Frearson Road, Coalville, Leicestershire

As the application was deferred earlier in the meeting it was not considered.

47. A3 13/00829/OUT

Erection of eight dwellings with associated garaging and access road (Outline – Access, layout and Scale included)
Land At Measham Road, Appleby Magna, Swadlincote

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

Mr T Huxley, objector, addressed the Committee. He explained that he had lived at 17 Old End for the last two and a half years, and the area had been flooded on three occasions. He stated that the proposed site provided natural drainage and became very boggy; his main concern was where the water would go once the site was developed. He also added that the development would mean loss of privacy as it overlooked his back garden and rear of the cottage.

The Chairman reminded Members that the site was within the village plan and had been put aside for development.

Councillor A Bridges stated that after visiting the site, it was clear that if three story properties were built as suggested then it would drown out surrounding properties and be detrimental due to flooding. Councillor A Bridges asked what the ridge height would be in relation to the surrounding properties. The Planning and Development Team Manager explained that the developer had confirmed that the development would be two storeys only and the applicant would be happy for the Committee to include conditions to ensure that.

Councillor J G Coxon was pleased that the height could be addressed by conditions as it helped ease his concerns. He believed that it was a nice development that was in keeping with the village and moved the Officer's recommendations to permit with the inclusion of the condition regarding limiting the height. It was seconded by Councillor G Jones.

Councillor J Legrys shared Members concerns regarding the height of the development and supported the condition to limit it. He believed it was an excellent development for the village; however he asked officers for further information regarding the flooding issues. The Planning and Development Team Manager referred to page 118 of the report which detailed the condition that was sent to the Environment Agency for consultation. He explained that Severn Trent were aware of issues in the area and have a project to address them which would commence in the next few months.

Councillor J Bridges referred to conditions four to eight within the report which covered flooding; he also added that during the visit earlier in the day a tanker was in the area

dealing with water. Councillor J Bridges suggested that condition 11 be modified to read the following:

'The reserved matter application shall include precise details of existing and finished ground levels, proposed roof ridge height and the proposed floor levels of the building in relation to an existing datum point.'

The mover and seconder agreed.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Regeneration and Planning to include the modification of condition 11 as detailed above.

48. A4 13/00702/FULM

Erection of two storey and single storey retail food store with restaurant (A1 and A3) (2830 sqm gross external), Erection of petrol filling station with single storey kiosk, erection of single storey retail terrace (538 sqm gross external) and erection of two storey nursery (D1) (604 sqm gross external)
Land At Station Road, Castle Donington

The Principal Planning Officer presented the report to Members.

Mr S Bradwell, agent, addressed the Committee and made the following points:
- The supermarket was for food items only.
- The service access would remain as it currently was on Newbold Drive and a new access created for customers.
- The developer would help the current occupiers of the site relocate.
- 65 per cent of local people travelled outside of the village to do their shopping and this development would encourage people to shop locally.
- There had been no objections from the Parish Council.
- There had been a number of public consultations and the developer had worked closely with the local community, planning officers and the Parish Council.

Councillor J G Coxon moved the Officer's recommendation to permit and it was seconded by Councillor T Neilson.

Councillor T Neilson stated that he was very impressed with the way the developers had dealt with the application with regards to working with the local community and planning officers. He felt that it should be held up as an example of good practice. Councillor J Legrys supported these comments and congratulated all involved.

RESOLVED THAT:

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

49. A5 13/00913/OUT

Residential development for three dwellings (Outline - all matters reserved)
Land At Main Street, Normanton Le Heath

The Senior Planning Officer presented the report to Members.

Mr A Cooper, representing the Parish Meeting, addressed the Committee. He highlighted the following concerns:

- The development would affect the very nature the village and destroy the countryside views which should be accessible for all.
- The public footpath running through the site would be lost.
- The lack of facilities in the village meant that the development was unsustainable.
- The parking and congestion within the village was already a growing concern.
- The site was a historical part of the village.

Mr M Roberts, objector, addressed the Committee. He stated that he strongly agreed with the views of the officers and Mr Cooper. His main concerns were that there were environmental issues with the site, no amenities in the village, parking was an issue that would be worsened and it would destroy the openness of the area. He concluded that the development would not enhance the area and supported the Officer's recommendation.

Mr S Bryan, applicant, addressed the Committee. He stated that he understood the sensitive nature of the site and had taken on board all of the concerns of local residents. He added that the site was set behind the designated area for development and the application had strong support of the statutory consultees. He urged Members to support the application as it was a family investment.

Councillor J Bridges stated that the applicant had gone some way to alleviate the previous appeal decision at the site but that he would support the Officer's recommendation.

Councillor G Jones expressed surprise that the site was outside Limits to Development and things had changed since the appeal decision

Councillor M Specht stated that his view was originally contrary to the officer's recommendations but after visiting the site and listening to the objectors, he could not support the application. He therefore moved the Officer's recommendation to refuse and it was seconded by Councillor J Hoult.

RESOLVED THAT:

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

50. A6 13/00983/COM

Extension to the existing Minorca Surface mine (At Measham fields farm) for the extraction of coal and fire clay by surface means with restoration to agricultural dwellings, agricultural and nature conservation (Leicestershire County Council Consultation ref 2013/CM/0353/LCC)
Minorca Colliery, Swepstone Road, Measham

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

RESOLVED THAT:

No objections in accordance with the recommendation of the Head of Regeneration and Planning.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.46 pm