

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 APRIL 2014

Present: Councillor D J Stevenson (Chairman)

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

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

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

60. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Gillard, J Legrys and N Smith.

61. DECLARATION OF INTERESTS

The Legal Advisor reminded Members that if they had received the leaflet which had been circulated prior to the start of the meeting from the Appleby Environment Community Group, they would need to declare that they had been lobbied even if they had not read it in its entirety.

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

Councillor A Bridges declared a non pecuniary interest in item A2, application number 13/00799/FULM, item A3, application number 13/00697/OUTM and item A4, application number 13/00797/FULM as a governor of Sir John Moore Primary School. She also declared that her children attended the school.

Councillors R Adams, J G Coxon, D Everitt, G Jones, R Johnson, T Neilson, M Specht and M Wyatt declared that they had been lobbied without influence in respect of item A2, application number 13/00799/FULM, item A3, application number 13/00697/OUTM, item A4, application number 13/00797/FULM and item A5, application number 14/00051/FULM.

Councillors D Howe and R Woodward declared that they had been lobbied without influence in respect of item A2, application number 13/00799/FULM, item A3, application number 13/00697/OUTM and item A4, application number 13/00797/FULM.

Councillor J Bridges declared a non pecuniary interest in item A5, application number 14/00051/FULM as he was an acquaintance of the land owners.

Councillor D J Stevenson declared that he had been contacted by email by a member of the public enquiring into the start time of the meeting and he had responded with that information only.

62. MINUTES

Consideration was given to the minutes of the meeting held on 11 March 2014.

It was moved by Councillor J G Coxon, seconded by Councillor R Adams and

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RESOLVED THAT:

The minutes of the meeting held on 11 March 2014 be approved and signed as a correct record.

63. 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 unaddressed concerns by the applicant regarding issues of overlooking, the Chairman moved that item A9, application number 14/00047/FUL be deferred to allow further discussions with the developer. It was seconded by Councillor R Woodward.

RESOLVED THAT:

Application number 14/00047/FUL be deferred to allow further discussions with the developer.

64. A1 - 13/00969/FUL

Demolition of existing buildings and erection of 7 new affordable dwellings, including access and parking arrangements and parking for No. 6 Queens Street

Land At 6 Queens Street, Measham, Swadlincote, Derbys

The Senior Planning Officer presented the report to Members.

Councillor S Sheahan, Ward Member, addressed the Committee and listed the following concerns:

- The inadequate proposed access to the site as raised by the Parish Council.
- The boundary dispute at the northern part of the site.
- The development would block the light of neighbouring properties, especially the fences of Plots one and two.
- Possible flooding issues, in particular with the proposed soakaways.
- The many different land levels of the development.
- The recommended separation between the boundary of the development and the hedgerows had been ignored.
- There was evidence that bats were on the site.

He added that he was unsure if the plans supplied were the most recent due to the dates printed on them and he felt that none of the issues had been addressed by the developer. He concluded by asking Members to consider deferring the application.

Ms P Wheatcroft, objector, addressed the Committee. She felt that the development did not fit within the proposed site and there were multiple boundary issues. In particular, the protection strip recommended by the ecologists had been ignored which would lead to damage to the hedgerows, therefore she felt that the advice of the officers was flawed.

She believed that plot three needed to be moved a further three metres from the boundary as it would lead to overshadowing, a loss of privacy and a loss of light. Ms P Wheatcroft concluded that she had been living in her property for 20 years and the damaging effects of the proposed development would be for the rest of her life. She urged Members to refuse the application.

Councillor T Neilson stated that he still believed that the access was a major issue and it had not been addressed by the developer within the application. He also felt that the concerns regarding overlooking, boundary disputes and soakaways needed to be

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addressed, and therefore moved that the application be deferred. It was seconded by Councillor R Adams.

RESOLVED THAT:

The application be deferred to allow further discussions with the applicant to address issues regarding the access to the site, overlooking, boundaries, impact on boundary hedge and soakaways.

Before moving onto the next application, the Head of Regeneration and Planning stated the following:

'Members are aware that they will be considering three major housing applications in Appleby Magna and as such it is useful to provide a brief overview on the issues of sustainability and scale of development considered appropriate for the village before looking at the merits of each individual application.

Firstly, in terms of the sustainability credentials of Appleby Magna, the village has a good range of day to day facilities, including a primary school, shop and post office, church, church hall, two public houses, GP surgery, play area and recreation ground and some small-scale employment sites. However, Members are advised that public consultation was undertaken at the end of 2012 to close the GP surgery so patients would have to attend the surgery in Measham (3.05km away) and it is understood that the surgery will close in May 2014.

There is also a limited public transport service; the No. 7 service currently provides a service Monday to Saturday (approximately every 1.5-2 hours) from 8.10am to 5.48pm which serves Measham, Ashby de la Zouch, Atherstone and Nuneaton with a total of 11 buses running per day.

Therefore, it is considered that Appleby Magna is a sustainable settlement that is capable of accommodating some new housing growth.

In terms of the scale of new development that might be considered appropriate for Appleby Magna, Members are advised that no formal policy decision has been made as to the amount of development in percentage terms that might be appropriate in individual villages. However, what Officers have sought to do when looking at these applications is to look at the scale of growth in comparison with what was anticipated for the District in the now withdrawn Core Strategy so as to provide members of the Planning Committee with some local context.

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the District. This Study projected a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.

It is estimated that there are 433 properties in the village of Appleby Magna within its main built up area and 485 properties in the Parish of Appleby Magna. When considered cumulatively, the four major housing proposals for the village currently under consideration, with the other Top Street (Bloor) application likely to be reported to Committee in May, would result in a maximum of 153 dwellings. This would equate to a 35.33% increase in new dwellings within the village and a 31.55% increase across the whole Parish, which would represent a higher level of growth for the village and Parish than proposed across the District in the GL Hearn Study.

When taking into account new dwellings built since 2006 and existing commitments this growth increases to 41.57 % and 37.11% respectively. This level of cumulative development is considered to be inappropriate for Appleby Magna given its relatively poor public transport connectivity, its level of services/facilities and the village's rural location. However, cumulatively the 68 additional dwellings recommended for approval on this Planning Committee agenda (from the Measham Road and Top Street sites) would equate to a 15.7% increase within the village which is less than the level of growth previously forecast for the District. Alongside existing commitments and new housing, this would represent a 22% increase in total, which although only just below the predicted District wide level of growth up until 2031, does take into account development and commitments since 2006.

This level of growth, ie 22%, is considered to be appropriate for Appleby Magna given the sustainability credentials of the village and the need to contribute to the Councils requirement to provide a five year housing land supply. It should also be noted that the level of housing proposed across these two sites recommended for approval would be built over a number of years and works would not start immediately.

Therefore, while it can be concluded that, on balance, the level of growth for Appleby Magna as indicated, is appropriate, each application has also been considered on its own merits and these have been assessed in the detailed reports on the Agenda taking into account all other material planning considerations, and these will now be presented briefly in turn.'

The Planning and Development Team Manager read out the following letter from Andrew Bridgen MP regarding item A2, application number 13/00799/FULM, item A3, application number 13/00697/OUTM and item A3, application number 13/00797/FULM:

'I have received a number of objections to the various planning applications from residents of the village which raise questions about the sustainability of the schemes. I would ask that your Committee consider all of these local objections to the applications and whether this scale of house building is appropriate in the village.'

65. A2 - 13/00799/FULM

Residential development of 25 dwellings including affordable housing, formation of sustainable urban drainage system and public open space and demolition and replacement of boundary treatment at corner of Bowleys Lane and Church Street

Land (Dormers Green) Off Bowleys Lane, Appleby Magna, Derby

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

Mr C Nicholls, objector, addressed the Committee. He commented that he was pleased that the officer's recommendation was for refusal and there was high support for refusal within the village. He explained that it was a cherished site which was highly valued in the community and he believed it should remain an asset to the village. He asked Members to bear in mind the cumulative impact of the development on the area as referred to within the report. He concluded that if this application was not deemed sustainable, then it was difficult to understand how the other applications on the agenda were.

Mr J Ottewell, agent, addressed the Committee and asked Members to reconsider the recommendation for refusal. He referred to a recent application in Castle Donington which was permitted when the developer was congratulated on the approach taken and informed Members that the same approach had been taken for this development. He understood that local people wanted to protect certain areas of the site and this has been addressed in the application. He commented that the application met all of the

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sustainability criteria and there had been no objections from the County Council Highway Authority or Severn Trent. He concluded that the affordable housing would take pride of place within the development and a village green would be provided.

The officer's recommendation was moved by Councillor M Specht and seconded by Councillor G Jones.

RESOLVED THAT:

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

66. A3 - 13/00697/OUTM

Residential development for up to 29 dwellings (Outline - access included)

Land Off Top Street, Appleby Magna, Swadlincote, Derby

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

Mr D Saunders, objector, addressed the Committee. He commenced by stating that Councillor R Blunt supported the objections as the National Planning Policy Framework criteria had not been met, plus under the Village Design Statement, there were eleven planning guidelines that conflicted with the application. He commented that it was a rural area with a lot of character with mainly agricultural land and he believed that all of the applications in the area should be considered together not separately due to the cumulative impact. He stated that parking already had an impact on Top Street especially during school drop off and collection times. He also confirmed to Members that the medical centre in the village was closing in May and the bus service was being reduced to only three trips per day; add to this the already full to capacity school and sustainability could be questioned. He concluded with his concerns that another development was also proposed in close proximity to this site.

The Head of Regeneration and Planning informed Members that there was another application expected for Top Street but this was still at an early stage and no officer recommendation had been decided yet.

Ms J Hodson, agent, addressed the Committee. She urged Members to follow the officer's recommendation as the 29 dwellings would fit snugly into the built form of the area and would not harm the character of the village. She stated that the developers were happy to accept the Section 106 contribution requests and work was being undertaken to address the flooding and Environment Agency concerns. She concluded that the scheme was sustainable in accordance with the National Planning Policy Framework and asked Members to permit.

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

Councillor T Neilson questioned why officers had gone against the County Highway Authority's recommendation regarding sustainability as the Doctors Surgery was due to close and the bus service was being reduced. He commented that he could not support the application.

The Head of Regeneration and Planning explained that officers would normally follow County Highway Authority recommendations but that was generally on highway safety, on this occasion the concerns were on sustainability and officers were satisfied that the village was a sustainable location for the level of development proposed.

Councillor G Jones commented that he was in favour of the development but he was disappointed that there were no opportunities for self build units as he felt this was a perfect location.

Councillor A Bridges strongly disagreed with the amount of Section 106 contributions being requested. She stated that Sir John Moore Primary School was already full to capacity; therefore she was appalled by the recommendation for no contributions. She would have liked to have seen more contributions that were to be spent within the village.

Councillor J Bridges stated that he did support the application but he agreed with Councillor T Neilson on his views regarding the County Council Highways recommendation on sustainability. He also agreed that any contributions should be spent within the village.

Councillor P Hyde asked why the report referred to contributions for the academy schools in the area when they were not funded by the Local Education Authority. The Head of Regeneration and Planning responded that the Local Education Authority still collected contributions for the academies; therefore they had to be included.

Councillor R Johnson commented that he originally thought that this was an appropriate site but he now believed that the sustainability of it was an issue. He felt that the poor bus service would contribute to more traffic on the highways and even though there was a local shop, it only opened until lunch time. Therefore he did not believe it was sustainable and could not support the application.

Councillor J Houlth commented that if there were more houses the local shop may increase the opening hours. He believed the area would not be sustainable unless more houses were built.

Councillor M Specht commented that when he first read the report he had major concerns due to Policy E1 but the visit to the site made a big difference and made him question why it was classed as a sensitive area. He stated that sustainability was more than the transport links and included public houses, shops and medical units. He added that as orders could now be made on the internet and delivered to an address he believed the development was sustainable.

The Chairman commented that the application was a difficult decision but it was important for the Committee to influence applications such as this. If the decisions were not made by Committee then they would be made elsewhere and not necessarily in the best interest for the District.

RESOLVED THAT:

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

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67. A4 - 13/00797/FULM

Erection of 39 residential units including affordable housing and provision of sustainable urban drainage and on site public open space

(Church View) Land Adjoining 33 Measham Road, Appleby Magna

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

Mr F Steward, objector, addressed the Committee. He stated that many people visited the rural area and if it was to be lost, it would be the District that would also lose out. He stated that evidence was needed to overturn an officer's recommendation and therefore raised the following:

- The site is Greenfield and objections had been received from English Heritage and local residents.
- The District has a high level of transport related emissions and this development would contribute to an increase.
- A sustainability appraisal was undertaken in 2013 which stated that only small scale growth would make the area sustainable; this would be 5.7 per cent. Prior to this meeting development was already much higher than that and with the addition of the previous application, that figure had been doubled.

Mr J Ottewell, agent, addressed the Committee. He stated that he had worked closely with officers on the design of the scheme and they agreed that the site was sustainable. He believed that the development would assist in maintaining local vitality and provided much needed affordable housing to the area. He commented that there were no objections from the County Council Highway Authority or Severn Trent and referred Members to the report which stated that refusal on the grounds of sustainability would not be justified.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor D Everitt. Both Councillors believed it was a good site for development with a good design. Councillor D Everitt was pleased with the level of affordable housing.

Councillor G Jones spoke in support of the application but once again expressed disappointment that there were no self build units.

Councillor A Bridges expressed concerns regarding the capacity of the local school and the additional number of children the development would bring. She stressed the need to extend the school and the importance of the Section 106 contributions.

Councillor T Neilson did not agree with the view that more people in the village would make it more sustainable and keep services running. He believed that the site was better than the previous application but that had already been approved. He also believed that it was not sustainable due to the oversubscribed local school, the closure of the medical surgery and the reduction in bus service.

Councillor M Specht stated that all children eventually moved through a school and if there were no more children then the school would be under threat so it was important to have more children in the area. He also added that with regards to local shops 'every penny counts' and he was sure they would appreciate the extra business the development would bring.

Councillor R Johnson felt that the development would complement the village and would be supporting the application.

RESOLVED THAT:

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

68. A5 - 14/00051/FULM

Residential development for 27 dwellings including demolition/ conversion of former school (amended scheme)

Land Off Church Lane, Ravenstone, Coalville, Leicestershire

The Senior Planning Officer presented the report to Members.

Ms S Lunn, Parish Councillor, addressed the Committee. She stated that she had attended the recent Local Plan Advisory Group and during the meeting Councillor J Bridges stressed the importance of affordable housing. This application had no affordable housing and would be setting a precedent for future developments. She reminded Members that Planning Policy stated that if no affordable housing was proposed in an application, the developer should make it clear the reason for this. There were no reasons given within the report. Ms S Lunn questioned whether it was acceptable that there was no provision for affordable housing and urged Members to refuse the application.

Captain R White (retired), objector, addressed the Committee. He urged Members to refuse the application due to the avenue of trees which formed the memorial for those fallen in the First World War. He understood that some of the trees were no longer healthy but as they were protected due to the conservation area, they should simply be replaced and not destroyed entirely. The footpath was known as memorial walk and would be greatly missed. He believed that the development was too dense for a conservation area centre and would destroy the heritage of the area. He added that a development had already been approved for the area and further development was not needed.

Dr M Eason, supporter, addressed the Committee. He stated that there would be a number of benefits from the development including improving an overgrown and unsightly area, the school was a derelict eyesore and it would greatly improve the street scene. He reported that he could find no evidence that the footpath was named memorial walk and residents that had lived in the area for many years had no recollection of this name. He explained that tests undertaken on the fallen trees in the area indicated that they were approximately 50 years old and therefore could not be trees planted in memorial as they were not old enough. He concluded that he felt dying trees were not an appropriate memorial.

Ms J Hodson, agent, addressed the Committee. She commenced by stating that the application had been previously refused due to the lack of Section 106 contributions not concerns over the trees. She explained that the revised application addressed all the Section 106 contributions apart from affordable housing. She concluded that a memorial stone had been offered to the Parish Council but no response had been received. She confirmed that the offer for the memorial stone still stood.

Councillor M Specht reported that due to the concerns of the trees that were raised when the application was previously considered, he had undertaken some research on the species of tree on the site. He stated that it seemed impossible for the trees in question to have been planted over 100 years ago as the life span of the tree was only 50 to 60 years, this was why the trees were now unhealthy and dying.

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

Councillor R Woodward commented that due to the lack of affordable housing he could not support the application.

Councillor T Neilson commented that he had previously opposed the proposed development on the site due to the lack of affordable housing and he believed that he should do the same for this application. At this point he requested a recorded vote.

Councillor R Johnson reminded Members that there was Planning Policy regarding levels of affordable housing and if this application was approved it would set a precedent. He added that it was important to encourage people onto the property ladder and this application was not doing that. He stressed the importance of adhering to policy.

Councillor G Jones commented that he did not believe it was an appropriate area for low cost housing and he supported the application.

The Chairman asked for clarification on the reasons for refusal when the application was considered by Committee previously. The Principal Planning Officer confirmed that it was refused on all elements of the Section 106 contributions not just affordable housing.

The Chairman reminded Members that if the application was to be refused, the Committee would need to consider the reasons for refusal. Councillor R Johnson suggested that if the application was to be refused, the Committee adjourn to consider appropriate reasons for refusal.

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

For the motion:

Councillors G A Allman, A Bridges, J Bridges, J G Coxon, J Hault, D Howe, G Jones, V Richichi, M Specht, D J Stevenson and M B Wyatt (11).

Against the motion:

Councillors R Adams, D Everitt, P Hyde, R Johnson, T Neilson and R Woodward (6).

Abstentions:

(0).

The motion was declared CARRIED.

RESOLVED THAT:

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

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69. A6 - 14/00192/FUL

Formation of a vehicular access and provision of hard surface to front of a property for off-street car parking

5 Measham Road, Appleby Magna, Swadlincote, Derby

The Principal Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor R Woodward.

RESOLVED THAT:

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

70. A7 - 14/00115/FUL

Conversion of garage into habitable room

164 Thornborough Road, Coalville, Leicestershire, LE67 3TJ

The Principal Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor R Woodward.

RESOLVED THAT:

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

71. A8 - 14/00033/FUL

Two storey side extension and rear garage

213 Leicester Road, Ibstock, Coalville, Leicestershire

The Principal Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor G Jones and seconded by Councillor R Woodward.

RESOLVED THAT:

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

72. A9 - 14/00047/FUL

Demolition of existing dwelling and erection of 7 no. Dwellings

242 Melbourne Road, Ibstock, Coalville, Leicestershire

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

73. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS IN RESPECT OF AFFORDABLE HOUSING OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT FORMER PICKERING'S NURSERIES, BOSWORTH ROAD, MEASHAM

The Principal Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor T Neilson and seconded by Councillor G Jones.

Councillor T Neilson stated that he was not happy with the decision but he understood that it had to be done. He was disappointed that a registered provider could not be secured. He requested that an audit trail be provided to ensure that the money was being put to good use; he would prefer the money to be spent in Measham, although he understood that may not be possible. The seconder agreed to the additional proposal.

Councillor D Everitt expressed concerns that the District was not getting the much needed affordable housing.

Councillor R Woodward commented that he could not support the proposal.

Councillor J Bridges referred to comments he had made at previous meetings regarding the concerns of developers gaining permissions and then pulling out of Section 106 contributions. He added that caution needed to be taken regarding the robustness of an audit trail but he did however support the proposal.

The Head of Regeneration and Planning explained that he would be open with regards to where the money would be spent but as there were no current schemes in Measham, the funds would sit dormant for up to three years.

RESOLVED THAT:

- (a) The substitution of the existing affordable housing obligations by the payment of a commuted sum be agreed with the precise wording to be delegated to the Head of Legal and Support Services and limited to a period of three years.
- (b) An audit trail be provided as to where the money is to be spent to ensure clarity.

The meeting commenced at 4.30pm

The Chairman closed the meeting at 6.35pm