

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 JUNE 2014

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R D Bayliss and T J Pendleton

Officers: Mrs V Blane, Mr C Elston, Mrs H Exley, Mrs C Hammond, Mr D Hughes and Mr J Mattley

### **1. APOLOGIES FOR ABSENCE**

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

### **2. DECLARATION OF INTERESTS**

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

Councillors R Woodward, D Everitt, D Howe, R Johnson, R Adams, M B Wyatt, J Houlton, J G Coxon, and M Specht declared that they had been lobbied without influence in respect of item A1, application number 13/00959/OUTM, A2, application number 13/01002/OUTM and A5, application number 14/00188/FULM.

Councillor J Legrys and G A Allman declared that they had been lobbied without influence in respect of item A1, application number 13/00959/OUTM, A2, application number 13/01002/OUTM, A3, application number 13/00141/OUTM and A5, application number 14/00188/FULM.

Councillor T Neilson declared that he had been lobbied without influence in respect of item A1, application number 13/00959/OUTM, A2, application number 13/01002/OUTM, A3, application number 13/00141/OUTM, A4, application number 14/00309, A5, application number 14/00188/FULM and A6, application number 14/00020/FUL.

Councillor A Bridges declared that she had been lobbied without influence in respect of item A1, application number 13/00959/OUTM and A2, application number 13/01002/OUTM.

Councillor V Richichi declared that he had been lobbied without influence in respect of item A1, application number 13/00959/OUTM and A2, application number 13/01002/OUTM and also declared a non pecuniary interest in both items as a resident of Spring Lane, Packington.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 13/00959/OUTM, A2, application number 13/01002/OUTM and A5, application number 14/00188/FULM. He advised the committee that he had received numerous phone calls and letters in respect of item A5 and felt that the application should be considered by the committee, but advised that he had not made up his mind.

### **3. MINUTES**

Consideration was given to the minutes of the meeting held on 6 May 2014.

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It was moved by Councillor J Coxon, seconded by Councillor D Howe and

RESOLVED THAT:

The minutes of the meeting held on 6 May 2014 be approved and signed as a correct record.

#### **4. 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.

The Chairman moved that item A4, application number 14/00309/FULM be deferred to allow a consultation response from the County Council Ecologist to be received and assess the revised representations received from objectors. It was seconded by Councillor J Legrys.

RESOLVED THAT:

Application number 14/00309/FULM be deferred to allow a consultation response from the County Council Ecologist to be received and assess the revised representations received from objectors.

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

‘Members are aware that they will be considering two major housing applications in Packington 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 of the site, Packington provides a range of day to day facilities, i.e. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites.

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) and serves Measham, Ashby de la Zouch, Atherstone and Nuneaton with a total of 11 buses running per day. The County Council has confirmed that the No.7 service will not be serving Packington going forward due to the No.19 Service now providing an hourly service between Ashby and Measham via Packington.

Ashby de la Zouch is located approximately 2.3km walking distance from the centre of the site, where amongst other services retail, secondary education, a library and GP surgeries can be found. There would be continuous footways available to facilitate pedestrian access to this nearby market town. Furthermore, it is considered that the short distance involved and the relatively low traffic flow along the routes available and local gradients, would encourage cycling.

Therefore, it is considered that Packington 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 Packington, as previously advised at the Planning Committee in April with the Appleby Magna applications, 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

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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.

As set out in the update sheet, the number of properties within Packington has been recalculated using 2011 Census information from the Office of National Statistics (a reputable source of information), which confirms that there are 324 properties within Packington. This has implications for the level of growth and therefore, revised calculations have been undertaken and the implications have been considered.

When considered cumulatively, the two major housing proposals for the village (a maximum of 72 dwellings), would equate to a 22% increase in new dwellings within the village, which would represent a higher level of growth anticipated for the villages than proposed across the District as a whole in the GL Hearn Study. When taking into account new dwellings/commitments this growth increases to 23.7% and 24% respectively.

This revised figure (representing the level of growth) is slightly higher than that envisaged for the District as a whole and it is higher than that envisaged for smaller settlements within the Core Strategy. However, Members are advised that even if a development takes the scale of growth in a settlement over that which was envisaged district wide in the Core Strategy, this should not be a reason for refusal on its own (particularly as no weight can be attached to the provision of the Core Strategy). A particular adverse impact would have to be demonstrated.

When having regard to the sustainability credentials of Packington, it is considered that this level of cumulative development (growth) for Packington is considered acceptable.

Therefore, while it can be concluded that, on balance, the level of growth for Packington 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.'

## 5.

### A1

#### **13/00959/OUTM: RESIDENTIAL DEVELOPMENT FOR UP TO 42 DWELLINGS (OUTLINE - DETAILS OF ACCESS INCLUDED)**

Land At Spring Lane/Normanton Road Packington Ashby De La Zouch

The Senior Planning Officer presented the report to Members.

Mr C Miles, Parish Councillor, addressed the Committee. He informed the Committee that this was an unprecedented development on a greenfield site. He advised Members that it would be a 15% increase in the number of homes in the village, leading to 150 people, at least 80 cars, putting pressure on full schools and doctors, and very little job opportunities in the area. He stated that there were more suitable recommended sites within the boundary of the village for development, and felt that the application was opportunist and it flew against common sense. He felt that if the application was approved it would be an open the door for other applications and urged the Committee to refuse.

Ms S Ball, objector, addressed the Committee. She stated that residents in the area understood the need for growth, but felt that there were more suitable, individual sites in the centre of the village. She expressed concerns that both the applications that were

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being considered would add over 70 properties to the village, which would be out of scale for the area and alter the character. She advised that it was at least a 10 minute walk to the centre of the village and urged members to refuse the application on the grounds that the development was too big for the site, it was 1.5 miles away from the nearest school and it would result in the loss of the countryside.

Mr S Clarke, agent, addressed the Committee. He stated that the applicants had carefully considered the application and following discussions had improved a number of issues to make the development as successful as possible. He highlighted that the site would include twelve affordable housing units, improve highway links and that there would be a financial contribution towards the existing playground in the village. He advised that the applicant had listened to concerns over the listed building and tree planting, had removed the footpath links onto Spring Road and was in agreement with the negotiated S106 contributions.

Councillor T Neilson stated that as there was no local plan to consider the application against it would be very difficult to refuse and moved the officer's recommendation. The proposal was not seconded.

Councillor V Richichi stated that he had come into the meeting with an open mind and having listened to officers and speakers, he expressed concerns over the speed of traffic along Spring Lane, that the local school was already at capacity, that the development was outside the limits to development and on the wrong side of the village, and the increased risk to flooding that the development could bring. He moved that the application be refused on the grounds of highways and flooding. It was seconded by Councillor G A Allman.

Councillor J Legrys expressed concerns over the access to the site and the local road networks that were already very busy. He stated that with the withdrawal of school bus services and the nearest senior school being in Ashby, there appeared to be no well lit footpath for school age children to use from the site. He also expressed concerns over the possible flooding impact and supported the refusal of the application.

The Head of Regeneration and Planning reminded Members that there had been no objections from either the Highways Authority or the Environment Agency.

The motion to refuse the application was put to the vote and LOST.

Councillor M Specht seconded Councillor T Neilson's proposition to move the officer's recommendation.

Councillor R Woodward raised concerns that, should the application be permitted, how the site area would be protected from any future development. The Head of Regeneration and Planning advised him that as it was for an outline application for 42 dwellings any proposal to amend the application would need to be reported back to Committee.

Councillor G Jones raised concerns that Packington would not benefit enough from the S106 contributions and the lack of education provision within the village, which would therefore require children to travel to the next available school.

The Head of Regeneration and Planning advised Members that they could request a note to be added to the permission suggesting detailed negotiations between the applicant and contribution receivers on how the S106 money would be spent.

Councillor J Bridges stated that the Committee was entitled to request detailed lists on how the S106 money was to be spent on future applications allowing Members to have the necessary information to make decisions.

The motion to permit the application in accordance with the officer's recommendation was put to the vote and

RESOLVED THAT:

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

**6. A2  
13/01002/OUTM: ERECTION OF 30 DWELLINGS, INCLUDING 8 AFFORDABLE HOMES (OUTLINE - ACCESS INCLUDED)**

Land South Of Normanton Road Packington Ashby De La Zouch Leicestershire

The Senior Planning Officer presented the report to Members.

Mr C Miles, Parish Councillor, addressed the Committee. He advised that the development would be located outside the village boundary and if permitted, combined with the previous application it would lead to a 25% increase in houses. He stated that the Core Strategy had recommended that over 25 years the district should provide 130 dwellings across the 17 villages. He felt that had the Local Development Framework been in place, the application would not have been brought to Committee. He expressed concerns that it was large development on a greenfield site, that was not planned.

Mr P Harley, objector, addressed the Committee. He advised that he had lived in his home for one year and was surrounded by applications. He expressed concerns over the increase in traffic that the development would generate, with an average of 2 vehicles per house which would all be heading to the other side of the village. He stated that he would look forward to the development of the village, providing it was in the right location, but felt that on this occasion the democratic planning process had been ignored.

Mr J Steedman, agent, addressed the Committee. He stated that the settlement would provide a solution to the demand for new housing in the district and would help the area to thrive. He advised that all technical matters had been addressed and the frontage would be an attractive gateway to the village.

Councillor Richichi stated that his views on the application were the same as the previous application. He advised that should the application be approved then conditions would be required to protect the village. He therefore moved to refuse the application. It was seconded by Councillor M B Wyatt.

Councillor T Neilson stated that the application has to be considered through the National Planning Policy Framework and had tied the Committee's hands. He advised that he could not see a reason for refusal, therefore would be voting to permit.

Councillor J Legrys stated that he would be voting for refusal as before and felt that the application had additional issues. He felt that the development was out of character for the village and shared sympathy for the speakers, in agreeing that there was no democratic process in planning. He stated that the development was outside the limits, and that he had concerns over flooding and the impact on the highways.

Councillor G Jones stated that the application had come as there was a shortage of housing in the area and added that he would like to see bungalows built as affordable housing.

The motion to refuse was put to the vote and was LOST.

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

RESOLVED THAT:

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

7.

**A3**

**13/00141/OUTM: DEVELOPMENT OF UP TO 450 RESIDENTIAL DWELLINGS AND REINSTATEMENT OF 1.1KM OF ASSOCIATED CANAL, PROVISION OF PUBLIC OPEN SPACE AND VEHICULAR, EMERGENCY AND FOOTPATH ACCESS (OUTLINE APPLICATION - ALL MATTERS RESERVED EXCEPT ACCESS)**

Land At Measham Waterside Burton Road Measham Derby

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

Mr P Oakden, in support, addressed the Committee. He stated that he had lived near Measham for 40 years and through the Ashby Canal Trust had promoted the restoration of the canal. He advised that the project had both Local Authority and Government approval, and that the length under construction would open up opportunities to open the rest of the canal. He stated that the canal would bring benefits to the area such as business opportunities and installing pride in the community. He also advised that the developers had worked with the trust for many years and that they hoped to bring positive effects to the area.

Mr P Leaver, agent, addressed the Committee. He reminded the Committee that at the October meeting they had granted permission and that the work to the canal remained the main focus, and that if the developer was to make contributions to the usual recipients, then that would take the money away from the canal. He advised that they would support a partially compliant scheme and urged Members to approve recommendation B.

Councillor T Neilson expressed concerns over the problems that had arisen. He stated that lots of comments were made back in October over the canal, but he now had concerns that it was a large development and that both the schools and medical centre were full. He advised that he would like to see the canal and that it would benefit Measham. He stated that it would not be a satisfactory conclusion if recommendation A was proposed.

Councillor J Bridges advised that he agreed with Councillor T Neilson, as the reinstatement of the canal would open the area up to the rest of the country and that it would be unique to the area. He stated that the leisure and tourism brought in a large portion of the business to the area. He went on to advise the Committee that they must depart from the norm and he would be going against his normal thoughts and moved recommendation B. It was seconded by Councillor V Richichi.

Councillor J Legrys stated that he was torn between all three options and was aware of the time that officers had put into the application. He felt that if option B was approved it would give partial policy compliance, but could lead the authority to a judicial review with no S106 contributions and that schools and health would not benefit from the option. He expressed his sadness that the parties could not get together to resolve the issue.

Councillor G Jones supported recommendation B and stated that the Council should be in the driving seat for tourism and leisure, and the canal would bring benefits to the district as a whole.

Councillor D J Stevenson stated that the trust had fought hard to get the link, but felt, with a heavy heart that there was now only one recommendation to consider and that was recommendation C as the application could now not give what was promised.

Councillor T Neilson stated that he felt recommendation B was too rash. He advised that the section of canal would not connect to any other section at the present time, and as nice as it would be to see the canal, without other contributions, there would be no benefit to the residents of Meaham.

Councillor G A Allman supported Councillor J Bridges' comments, adding that the reinstatement of the canal would benefit the whole district, but only if the Committee provided it by supporting recommendation B.

The motion to permit officer's recommendation B was put to the vote and was LOST.

The officer's recommendation C was moved by Councillor T Neilson, seconded by Councillor R Woodward and

RESOLVED THAT:

The application be refused on the grounds that the developer is not agreeable to the S106 requirements and therefore, the proposal does not represent sustainable development.

8. **A4**  
**14/00309/FULM: USE OF LAND FOR THE OPERATIONAL USE OF MILITARY AND CIVILIAN "OFF ROAD VEHICLES" (INCLUDING TANKS, ARMoured FIGHTING VEHICLES, HEAVY DUTY VEHICLES AND OFF-ROAD 4X4'S) ALONG WITH PROVISION OF 3.0 METRE HIGH STRAW BUNDS (REVISED SCHEME)**  
 Measham Lodge Farm Gallows Lane Measham Swadlincote

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

9. **A5**  
**14/00188/FUL: ERECTION OF TWO DETACHED DWELLINGS WITH GARAGING**  
 18 Meadow Lane Coalville Leicestershire LE67 4DL

The Senior Planning Officer presented the report to Members.

Ms D Beniston, objector, addressed the Committee. She explained that she was representing residents from Greenfields Drive and their main concerns were that the application did not meet policies E4, E5, H4/1 and H7, and therefore should be refused. She stated that the development would not be setback from the road and therefore not in keeping with the surrounding area. She also stated that the road onto which the development would be accessed from was already congested, as was the road junction, and the new dwellings would lead to additional cars parking on the road, close to the junction. She advised Members that the rear gardens of the adjoining properties would be overlooked and the proposal was being shoehorned into a small area. She urged the committee to refuse the application on the grounds of detrimental impact.

Mr Raju, agent, addressed the Committee. He advised the Members that the applicant lived on Meadow Lane and wished to develop the large rear garden. He stated that the scheme had been amended as it had gone along to address objections that had been received. He advised Members that a dwelling opposite the site being considered had received permission to develop the garden, and this in turn had set a precedent. He highlighted to Members that the site would have off-road parking, no objections had been

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received from highways and that the development would provide local jobs. He urged the Committee to permit the application.

Councillor R Adams stated that, having read through the objections and on seeing the site, he felt that the development would not be in keeping with the rest of the area and that the garages were too small. He therefore could not support the application and moved that the application be refused on the grounds that it would not respect the character of the surrounding area. It was seconded by Councillor J Legrys.

Councillor D Everitt felt that the Committee had been misled as it was quite clear that the other properties on the other development were set back from the road, and therefore were not the same.

Councillor M B Wyatt stated that he was pleased to hear the comments from the other Members. He felt that the development would have a detrimental effect on the area and would therefore be supporting the motion to refuse the application.

Councillor J Legrys stated that he had concerns over the site not being setback from the road. He also expressed his disappointment that highways felt that there were no issues, having seen firsthand how busy the road was around the school finishing time, and cars reversing off the site could lead to incidents involving school age children. He would be supporting the refusal.

RESOLVED THAT:

The application be refused on the grounds that the application did not accord with Policy E4 of the North West Leicestershire Local Plan.

**10. A6**  
**14/00020/FUL: PROPOSED CHANGE OF USE OF RETAIL UNIT AND OFFICES TO**  
**FOUR RESIDENTIAL DWELLINGS**  
 64 High Street Measham Swadlincote Derby

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

The officer's recommendation was moved by Councillor T Neilson and seconded by Councillor J Legrys.

Councillor T Neilson stated that he had called in the application as he had concerns over access issues, however without objections from the statutory consultees he felt there was no case to refuse the application.

RESOLVED THAT:

The application be permitted 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 6.50 pm