

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 August 2019

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, R Canny, J Clarke, D Everitt, D Harrison, J Legrys, D E J Tebbutt and M B Wyatt

In Attendance: Councillors J Geary, R Johnson and R Ashman

Officers: Mr J Mattley, Miss S Odedra, Mrs C Hammond, Mr J Knightley and Mr A Mellor

## **15. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor J Hoult.

## **16. DECLARATION OF INTERESTS**

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

Councillor A Bridgen declared that he had held discussions with the applicant of item A3, application 19/00017/FUL, however he had come to the meeting with an open mind.

Councillor D Harrison declared a non-pecuniary interest in item A4, application number 18/01428/OUTM, as a member of Leicestershire County Council.

Councillor N Smith declared a pecuniary interest in item A4, application number 18/01428/OUTM as he owned a property on the close. He would leave the meeting and take no further part in the meeting.

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

Item A2, application number 18/00341/REMM  
Councillors J Legrys and D Tebbutt

Item A3, application number 19/00017/FUL  
Councillors J Legrys and M B Wyatt

## **17. MINUTES**

Consideration was given to the minutes of the meeting held on 2 July 2019.

It was moved by Councillor N Smith, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 2 July 2019 be approved and signed by the Chairman as a correct record.

## **18. PLANNING APPLICATIONS AND OTHER MATTERS**

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

Chairman's initials

**19. A1****18/02198/FULM: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT FOR 43 DWELLINGS, A NEW VILLAGE HALL, FORMATION OF VEHICULAR AND PEDESTRIAN ACCESS POINTS AND ASSOCIATED INFRASTRUCTURE**

Priory Nursery Garden Centre Ashby Road Breedon On The Hill Derby DE73 8AZ

**Officer's Recommendation: PERMIT subject to S106 Agreement**

The Interim Principal Planning Officer presented the report to Members.

Parish Councillor R Morris, on behalf of Breedon Parish Council, addressed the Committee. He highlighted that the Parish was in full support of the application as it would be a sensitive infill to replace an eyesore, the developer would provide a much needed village hall at no cost to the Parish and that it would include flood risk mitigation.

Ms J Hodson, agent, addressed the Committee. She highlighted that the site was on the Council's register for brownfield sites and the proposed development would offer a mix of all housing types. She advised flood risk mitigation had been included and all conditions had been agreed including trigger points for the village hall and S106 contributions.

In determining the application Members expressed concerns that not all of the site was brownfield however they acknowledged that the Parish Council was in full support of the application, there was a need for both the houses and a village hall, the application would mitigate flood risks and would be an improvement to the site.

It was moved by Councillor J Legrys and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

**RESOLVED THAT:**

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

<b>Motion to permit the application in accordance with the officer's recommendation (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	For
Councillor Daniel Tebbutt	For
Councillor Michael Wyatt	For
<b>Carried</b>	

Chairman's initials

20.

**A2**

**18/00341/REMM: ERECTION OF 49 DWELLINGS WITH ON-SITE NATIONAL FOREST PLANTING, AREAS OF OPEN SPACE AND ASSOCIATED HIGHWAYS AND DRAINAGE INFRASTRUCTURE (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 13/00956/OUTM)**

Land To The South Of Grange Road Hugglescote Leicestershire

**Officer's Recommendation: PERMIT**

The Principal Planning Officer presented the report to Members and updated them on an additional representation that had been received from the Parish Council in relation to pedestrian safety however, they welcomed the reduction in the speed limit but would have preferred 30mph.

Councillor R Johnson, Ward Member, addressed the Committee. He highlighted that the developer had made no contact with the Parish Council and that the proposed 49 homes did not conform to policy H6 of the Local Plan to include bungalows. He expressed concerns over the access to the site on the brow of a hill, that some users of the road could get up to speeds of 70mph and the lack of footway provision to allow safe walking or cycling into the village. He urged Members to refuse the application.

In determining the application, some members had concerns over the access to the site and highway safety along Grange Road. They felt that local knowledge had not been considered when the highways authority had accepted the application. The lack of bungalows on the site was also noted. They were advised that the implementation of the footpath on the north side of Grange Road was ongoing and as such, a condition could be included to ensure that the footpath was completed before the dwellings were first occupied.

It was moved by Councillor R Boam and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

**RESOLVED THAT:**

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure with the inclusion of a condition relating to the completion of the footpath before occupation of the dwellings.

<b>Permit in accordance with an additional recommendation in relation to footpath completion (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	Abstain
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor John Legrys	Against
Councillor Daniel Tebbutt	Against
Councillor Michael Wyatt	Against
<b>Carried</b>	

Chairman's initials

**21. A3**  
**19/00017/FUL: CHANGE OF USE OF A1 (SHOPS) USE TO AN A5 (HOT FOOD TAKEAWAY) USE**

119 Belvoir Road Coalville Leicestershire LE67 3PH

**Officer's Recommendation: PERMIT**

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

Mr K Davis, objector, addressed the Committee. He highlighted that the criteria requested by Members at the previous meeting had not been met. He expressed concerns over fire safety, and noise and fumes that would be generated from the business and that these would have serious detrimental impacts on their quality of life. He felt that the site was not suitable for a takeaway and that there was a duty of care owed by both parties to one another. He expressed concerns that if the proposed development was granted planning permission his insurance could become void due to a lack of duty of care by the applicant. He urged Members to refuse the application.

Mr A Statham, agent, addressed the Committee. He highlighted that there were to be no major alterations required to the structure of the building and there had been no objections from either public health or highways. He advised Members that a firm had been contacted to carry out the fireproofing and that the car park at the back would be for the sole use of the takeaway.

Councillor J Geary, Ward Member, addressed the Committee. He highlighted that there would be no concerns if both properties were residential or the northern property was a retail unit. The issue was with a hot food takeaway which would generate noise and fumes and users of the business would park on the double yellow lines in front of the building causing a disruption to the neighbouring residents; therefore contrary to policy D2. He expressed concerns over the fire proofing materials and asked Members to consider the safety of residents and refuse the application.

In determining the application, Members expressed strong concerns over the safety, ventilation and noise in relation to the residential bedroom above the takeaway shop, and the work and cost that would be required to make it safe. They also expressed concerns over highway issues in relation to users of the takeaway parking on the public footpath at the front, as the car park to the rear was not fit for purpose and that the parking would not be enforced. It was felt that the application before them was not appropriate, and was contrary to policy D2 of the Local Plan.

It was moved by Councillor M B Wyatt and seconded by Councillor D Tebbutt

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

**RESOLVED THAT:**

The application be refused on the grounds that it was contrary to policy D2.

<b>Motion to refuse the application against officer recommendation (Motion)</b>	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	For

Chairman's initials

Councillor Daniel Tebbutt	For
Councillor Michael Wyatt	For
<b>Carried</b>	

22.

**A4**

**18/01428/OUTM: DEMOLITION OF EXISTING BUNGALOW SO AS TO FACILITATE RESIDENTIAL DEVELOPMENT (OUTLINE - PART ACCESS INCLUDED)**

11 Fosbrooke Close Ravenstone Coalville Leicestershire LE67 2AB

**Officer's Recommendation: PERMIT subject to S106 Agreement**

Having declared a pecuniary interest in the item, Councillor N Smith left the chair and the meeting and took no part in the consideration or voting thereon.

Councillor R Boam took the chair for the consideration of the item.

The Interim Principal Planning Officer presented the report to Members.

Mr R Brewin, objector, addressed the Committee. He advised that he was representing the residents of Fosbrooke Close, who were not against development in principle but their main concerns were in relation to the access of the site, that they wished that the site remain with one developer and that there were drainage issues required addressing.

Ms M Horsley, agent, addressed the Committee. He highlighted to Members that the development was in a sustainable location and that the development would assist the authority in meeting its housing targets. He advised that the amount, size and design of the dwellings would be considered at reserved matters stage and that Members were only considering the point of access. He noted that there were no objections and all contributions had been agreed.

In determining the application Members expressed concerns that they were not able to comment on the number, size and mix of dwellings at that time, and that the number of dwellings could increase past the originally proposed number. They felt that the reserved matters application could come back with a very different look and feel to it. They were advised that the reserved matters application would be brought back to committee if Members required.

It was moved by Councillor J Legrys and seconded by Councillor D Harrison

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

**RESOLVED THAT:**

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure with an additional recommendation that the application be brought back to committee at the reserved matters stage

<b>Motion to permit in accordance with officer's recommendation with additional condition (Motion)</b>	
Councillor Nigel Smith	Conflict Of Interests
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor John Clarke	No vote recorded
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor John Legrys	For

Chairman's initials

Councillor Daniel Tebbutt	For
Councillor Michael Wyatt	Against
<b>Carried</b>	

Councillors J Clarke and N Smith left the meeting at 8.15pm.  
The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.45 pm