

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 SEPTEMBER 2014

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R D Bayliss, J Geary, P Hyde, T J Pendleton and A C Saffell

Officers: Mr S Bambrick, Mr C Elston, Mr J Knightley, Miss E Mattley, Mr J Mattley, Mr A Mellor, Mrs M Meredith and Mr D Gill

The Chairman reminded all persons present that the meeting may be recorded and by attending the meeting you were giving your consent to being filmed and your image being used. He requested that anyone intending to film the meeting make themselves known.

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, T Gillard, R Johnson and N Smith.

35. DECLARATION OF INTERESTS

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

Councillor L Spence declared that he had been advising the applicant in respect of item A4, application number 14/00320/FUL, and as such he realised that he could be perceived to be biased. He stated that he would remain in the room and would speak on the application, but would not participate in the voting thereon.

Councillor D Howe declared a disclosable non-pecuniary interest in item A4, application number 14/00320/FUL, as an acquaintance of the applicant.

Councillor J Legrys declared that he had indicated his willingness to act as a witness in the appeal relating to item A1, application number 14/00354/OUTM, and as such he was committed to opposing the development. He added that his wife had objected to the application and it would therefore be inappropriate for him to be involved in determining the application. He stated that he would speak as an objector to the application and would then withdraw from the meeting.

Councillor J Legrys declared that he had been lobbied without influence in respect of items A2, A3, A6, A7 and A8, application numbers 13/00141/OUTM, 14/00251/OUTM, 14/00408/FULM, 14/00627/FUL and 13/00857/OUTM.

Councillor T Neilson declared that he had been lobbied without influence in respect of items A1, A2, A3, A7 and A8, application numbers 14/00354/OUTM, 13/00141/OUTM, 14/00251/OUTM, 14/00627/FUL and 13/00857/OUTM.

Councillors R Adams and J Cotterill declared that they had been lobbied without influence in respect of items A1, A3 and A6, application numbers 14/00354/OUTM, 14/00251/OUTM and 14/00408/FULM.

Chairman's initials

Councillor M B Wyatt declared that he had been lobbied without influence in respect of items A8 and A10, application numbers 13/00857/OUTM and 14/00619/FUL.

Councillors J G Coxon, J Hault and G Jones declared a disclosable non-pecuniary interest in item A8, application number 13/00857/OUTM as members of Ashby Town Council.

Councillor J G Coxon declared a disclosable non-pecuniary interest in item A8, application number 13/00857/OUTM as a resident of Leicester Road. He declared that he had also been lobbied without influence in respect of this application.

Councillor J Legrys declared a disclosable non-pecuniary interest in item A6, application number 14/00408/FULM, as an owner of 6 photovoltaic solar panel and being in receipt of a feed-in tariff.

36. MINUTES

Consideration was given to the minutes of the meeting held on 5 August 2014.

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

RESOLVED THAT:

The minutes of the meeting held on 5 August 2014 be approved as a correct record and signed by the Chairman.

37. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Director of Services, as amended by the update sheet circulated at the meeting.

38. 14/00354/OUTM - ERECTION OF UP TO 105 DWELLINGS, PUBLIC OPEN SPACE, EARTHWORKS, BALANCING POND, STRUCTURAL LANDSCAPING, CAR PARKING, AND OTHER ANCILLARY AND ENABLING WORKS (OUTLINE - ALL MATTERS OTHER THAN VEHICULAR ACCESS OFF GRANGE ROAD RESERVED)

The Principal Planning Officer presented the report to Members.

Councillor P Hyde, Ward Member, addressed the Committee. He stated that despite the confidential information and legal advice, he still had major concerns in respect of the highways issues. He added that he had lived in the area and he refuted the information provided. He added that Leicestershire County Council was refuting the accredited speedwatch scheme which had been undertaken. He referred to the issues with speeding in the area. He stated that the Parish Council were rightly concerned about the highways issues and the proposed right turn provisions. He added that this was an accident waiting to happen. He made reference to the observations regarding the layby and pointed out that when the surgery was open, there could be up to 15 cars parked there. He felt that parking provision should be made for 10-15 cars, not 2, and that this should be assessed during the day. He stated that the right turn provisions were potentially dangerous, and further discussions needed to be held with the Parish Council and local residents who knew the area. He refuted the mean speeds suggested in the report, highlighting that there had been two fatalities, and stated that he had had near misses himself.

The Legal Advisor advised Councillor P Hyde that the time limit had been reached.

Chairman's initials

Mr W Jennings, on behalf of the Parish Council, addressed the meeting. He referred to the similarities to the previous scheme which had thankfully been voted down. He stated that many of the previous concerns remained, not least of which was the highways issues. He explained that the entrance to the site was at the bottom of a hill in an area where speeding traffic had been accurately recorded. He referred to the two speedwatch campaigns which had been undertaken in conjunction with the Police. The schemes had recorded an average speed of 40.5 mph. He made reference to the latest figures regarding the housing land supply which would enable the scheme to be refused. He stated that if the Council was minded to approve the application, the Parish Council would welcome the Highways and access being considered under reserved matters.

Councillor J Legrys, as an objector, addressed the meeting. He stated that although the application site was not located within his Ward, it would have an effect upon it. He added that the Council was between a rock and a hard place in respect of this application. He gave credit to the Parish Council for their efforts in trying to develop a dialogue with the developer, and felt that the work done must be commended, and commented that the Parish Council had tried very hard to achieve an acceptable access. He stated that the development was not required, and added that the Council needed to move from piecemeal planning to proper planning. He added that the acceptance of the SHMA figures meant that considerably less homes were required in the district and the target would be met without this application. If Members were minded to approve the application, he asked that the access issue be placed as a reserved matter, which would enable the developers to get what they wanted, whilst allowing dialogue to continue, enabling a satisfactory conclusion for all parties.

Councillor J Legrys left the meeting on conclusion of his statement.

Mrs K Ventham, applicant's agent, addressed the meeting. She referred to the previous application which was currently the subject of an appeal and which had not been the subject to any objections from the statutory consultees. She stated that the applicant had sought to make improvements in respect of the highways and flooding issues. She pointed out that the proposed dwellings were confined to land in flood zone 1, and the Environment Agency had no objections to the proposals. She advised that the alternative access had been put to the applicant at a very late stage and it was felt that this did not meet the design standards and had not been subject to a road safety audit. She referred to the response provided in the update sheet. She highlighted the developer contributions and the benefits of the scheme in respect of affordable housing, local schooling, health and civic amenities. She stated that the developer was well equipped to making a swift start on the site. She concluded that the developer had sought to listen to the comments made, however there were no objections from the statutory consultees, and if this application was granted, there would be no need to proceed with the appeal in respect of the previous application.

Councillor J Bridges moved that the application be permitted in accordance with the officer's recommendation, and that the press and public be excluded for the remainder of the debate upon this item.

The motion was seconded by Councillor G Jones.

Councillor T Neilson felt it would be helpful to state the reasons why this item needed to be discussed in private.

The Legal Advisor clarified for the benefit of the members of the public present that Members had before them a confidential legal opinion which was subject to legal professional privilege, which could not be released to the public as it contained information which may have an impact upon the appeal.

The motion to exclude the press and public was put to the vote and declared CARRIED.

The Members retired to considered the legal advice at 5.00pm and reconvened at 5.21pm.

The motion to permit the application was then put to the vote and declared CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

The Legal Advisor reminded Members that the press and public had been excluded from this part of the meeting and that the discussion was confidential. He clarified that the motion currently under discussion was to permit the application, and there would be a debate on that point. Members would then return to the Council Chamber to take a vote. He advised that if the vote failed, there would need to be a further motion, and it may be necessary for Members to adjourn again for further discussion. He emphasised how important it was that the legal advice was not inadvertently released, and setting a precedent that would compromise either party should be avoided.

Councillor T Neilson felt that this application was similar to the previously refused extension to the extant permission, and nothing had changed. He added however that the background had changed, and when Members considered the application previously, the SHMA had not been published and the five year housing land supply had not been met. He stated that he could not support the application, as two of the three reasons for refusal still stood, and he felt that an additional reason could now be included that the site was outside the limits to development. He added that given the overcapacity of the junction, he could not see how this represented sustainable development.

Councillor G Jones commented that he did not feel this was the same position. He added that the legal advice could not be ignored and made reference to the cost of a potential appeal.

Councillor V Richichi sought clarification on whether the advice was made available before or after the five year housing land supply was reached.

The Director of Services explained that the advice was dated after the barrister had commented on the reasons for refusal and was not advice for the purposes of determining the planning application.

Councillor V Richichi asked if there was provision being made with the developer for works on the crossroads.

The Legal Advisor explained that £500,000 would be contributed towards highways improvements, which would be an amalgamation from several developers.

Councillor L Spence commented that the appeal would be heard based on the reasons for refusal given at the previous decision, which may circumvent whatever decision was taken by Members today.

The Director of Services advised that no new reasons for refusal could be added in respect of the appeal, however it was a matter for Members if they wished to refuse this application on different grounds. He reminded Members that the applicant had indicated that the appeal would be withdrawn should this application be approved.

Councillor L Spence commented that there was always an element of risk, and based on the advice, the element of risk was too great in this instance. He expressed complete sympathy in respect of the highways issues and commented that if there was any way to include this in reserved matters, he would support it. He concluded that he could not see how the application could be opposed.

Councillor J Bridges commented that he sympathised with many of the statements made and he had listened to Councillor P Hyde. He felt however that there was no tangible defence, as borne out by the legal advice. He commented that however much he disliked the application, he could not vote against it.

Councillor J G Coxon stated that he had seconded the motion, and after reading the advice, he felt that it would be foolhardy not to take notice of it. He added that the credibility of the Council would also be at risk.

Councillor T Neilson commented that Members seemed to be trying to determine the application whilst considering what had been done last time. He added that had Members been in receipt of the advice at that time, his own decision may well have been different, however things had moved on since then.

Councillor M Specht sought clarification in respect of the appeal and was advised that this related to the original application.

The Legal Advisor explained that there was a risk that the original appeal would continue and could be followed by an appeal in respect of the current application. He added that the grounds for the previous appeal were set, and if the present application was refused, this was likely to be on different grounds, which would give the developer a further opportunity to appeal. He referred to the reputation of the Council, and pointed out that if appeals were continuously lost, there was the possibility of being placed in special measures whereby all decisions would be taken away from Members.

Councillor R Woodward commented that this was a frustrating situation as it was a gun to the head, that the appeal on the previous application would proceed if this application was refused. He commented that the circumstances were totally different and added that the change in respect of the housing land supply lent a whole new aspect.

As the debate was then concluded, the Chairman invited all Members to return to the Council Chamber to enable the vote to be conducted.

At 5.26pm the meeting was adjourned due to a fire alarm. The meeting was reconvened at 5.46pm.

39. 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)

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

Mrs G Banton, objector, addressed the meeting on behalf of a large group of objectors. She stated that the proposals would bring an additional 1000 people to the village that the already stretched surgery would have to accommodate. She added that the increased pressure on services and the highways would be intolerable. She felt that the canal refurbishment was just a dangled carrot as it would now never join the rest of the canal. She referred to issues with sewerage which were unresolved and expressed concerns in respect of the River Mease. She stated that Measham had become a dormitory village with shops closing as no one used them. She stated that there had been so many developments in the last few years that Measham was becoming a small town and the

Chairman's initials

heart of the village was being ripped out. She urged Members to take a common sense approach in making their decision.

Mr B Wilson, applicant's agent, addressed the meeting. He reminded Members of the commitment made by the developer in respect of affordable housing and the canal. He referred to the Section 106 agreement and the additional requirements in respect of affordable housing and education. He added that an option to review clause would also be included. He stated that the developer would construct an access road and a canal bridge to protect the route of the canal, and waste would be removed from the canal bed at a cost of £3.8 million. He added that the construction of the canal was the responsibility of Leicestershire County Council and the developer would continue to work with them to secure funding for this. He advised that he was on the board of directors of the Ashby Canal Trust and it had been his wish to see an aqueduct over Measham High Street. He trusted that Members would now feel able to support the scheme and provide Measham with the regeneration opportunity it deserved.

Councillor T Neilson thanked the Legal Advisor for the response to his point of order raised at the previous meeting. He expressed concern that this application was now being discussed in full for the third time. He made reference to the current position in respect of the SHMA and the surplus housing land supply, meaning that the Committee was not obliged to permit development that was unsustainable and outside the limits to development, as this application was. He stated that the applicant had failed to meet all of the Section 106 obligations which would normally be a requirement for an application of this size. He moved that the application be refused on the grounds that the development was not sustainable due to the applicant not meeting the Section 106 obligations, and the development site was outside the limits to development, which should now have some weight. He stated that Measham had reached its allocation for development, given the reduced overall requirement in the district. He added that if this application was submitted today, he would argue that it was premature as the local plan was still being developed. He stated that Measham was his home and he was proud to represent it, and he also had an ambition to see the aqueduct over the high street, along with a fully extended canal. He therefore felt confused that this application did not support that, as the stretch of canal would not be developed, and would bring no tourism benefits as it would not connect to the canal. He concluded that all of the benefit had been stripped out and he felt that at this time, this application was not right for Measham.

The motion was seconded by Councillor J Legrys.

Councillor J Legrys stated he shared the concerns regarding the prematurity of the application and made reference to the current position regarding the local plan and the housing figures. He stated that he would argue that the application should not be considered as the infrastructure requirements were unknown. He added that there had to be an element of trust between the developer and local people. He felt that the officers had to be congratulated for the negotiation which had taken place, however he sought assurances that this was not heading towards the same situation as the previous application. He highlighted a number of errors in the report and sought clarification on these.

The Legal Advisor stated that these were typographical errors.

Councillor J Legrys emphasised the importance of addressing mistakes in the report, as Members had to trust the information within them to make their decision. He stated that the trust had gone due to silly mistakes.

The Legal Advisor reminded Members that the reports were prepared and published in advance and he invited Members to bring any errors to the attention of officers in advance of the meeting.

Chairman's initials

The Chairman concurred that there were far too many errors in the report.

Councillor G Jones stated that he had had a business in Measham in the 1980's and it had been a struggle to make any money. He added that he trusted Mr Wilson with the regeneration of Measham and he was confident that more regeneration would come forward following the proposals.

Councillor V Richichi stated that he had moved approval of the previous application which was rejected. He added that the reason he had supported the application was that the canal would be completely regenerated. He pointed out that that opportunity had been lost and as far as he was concerned, this application should be approved as the offer was lessened with each rejection.

Councillor A Bridges stated that she was confused by Councillor T Neilson's remarks as at the last meeting he had commented that the canal regeneration would not bring that much tourism into the area. She added that she had spoken in support of the application at the last meeting, although she was disappointed that the canal was not going to be fully restored.

Councillor T Neilson made a point of personal explanation and clarified that he had commented that 1.1km of canal which was not connected to anything would bring less tourism into the area.

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

It was then moved by Councillor D J Stevenson, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

40. 14/00251/OUTM - ERECTION OF 12 DWELLINGS (OUTLINE ACCESS AND LAYOUT INCLUDED FOR DETERMINATION)

The Senior Planning Officer presented the report to Members.

Mrs S Liff, objector, addressed the meeting. She explained that she was Chair of the Appleby Environment Community Group which had been in existence for over 20 years. She pointed out that the last time Members had considered applications in Appleby Magna, two large developments had been permitted. She reminded Members that they had said that this was Appleby's share and would allow the Committee to reject further applications. She added that the housing need was now lower. She asked Members to stick to their promises to residents. She stated that the previous arguments were still valid, as the development site was outside the limits to development and in a conservation area, adjacent to and opposite listed buildings and therefore contrary to the conservation policy. She made reference to the comments made in respect of the paddock, which experts agreed was a key part of setting the boundary for the village and it would be a travesty to fill this with houses. She referred to the village design statement and pointed out that green spaces were characteristic. She urged Members to protect their heritage.

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

RESOLVED UNANIMOUSLY THAT:

Chairman's initials

The application be refused in accordance with the recommendation of the Director of Services.

41. 14/00320/FUL - ERECTION OF A DETACHED DWELLING (AMENDED SCHEME)

The Senior Planning Officer presented the report to Members.

Mr P Hordley, objector, addressed the meeting. He noted the officer's recommendation and stated that he was generally in agreement with it. He stated that the proposals were contrary to policy E4 as ribbon development radiating from the village was a characteristic. He added that the planting of trees and shrubs should be encouraged and the proposals would remove trees. He felt that the proposals were not in keeping with the street scene and were also contrary to policies E20 and E26. He added that the county geologist had not been consulted. He stated that this was the last remaining area of the Thringstone fault and should be protected. He stated that the unresolved sewerage works would mean further intrusion into a protected area. He expressed amazement that anyone would think the access onto the main road was adequate as it came out by a bus stop, a hedge and a telegraph pole. He added that there were parking issues. He also made reference to the errors in the application submission.

Mr S Grant, applicant's agent, addressed the meeting. He stated that the scheme had been amended to address the issues and the development site was no longer situated within the green wedge. He added that the access was now acceptable, as had been confirmed by the Highways Authority. He pointed out that the principle of development on the site had been established and the only outstanding issue was design. He highlighted the requirement for an accessible retirement dwelling which had been respectfully designed to blend with existing properties. He stated that the site was unique and was the only white land remaining, which would therefore not set a precedent as there were no other similar sites. He suggested that the design issue was not a robust reason for refusal and the proposals would make a positive contribution.

Councillor L Spence stated that he had called in the application as there was a degree of public interest. He added that he had advised the applicant throughout the process and did not want to lead the Committee. He made reference to the concluding paragraph of the executive summary which highlighted all the salient points of the application. He felt that it was right that the application be discussed and reiterated that he would not participate in the vote as he felt this would lead to a perception of bias.

Councillor D Everitt moved that the application be refused in accordance with the officer's recommendation. He expressed concerns that the green wedge issue had not been addressed. He stated that it was absolutely important that there was a clear yes or no to developments on the green wedge, as a little bit of a site protruding into it was exactly the sort of thing that developers would use in future. He added that he did not want to see the protection of the green wedge thrown away on a little bit of land and added that this would be a nail in the coffin. He stated that the countryside was disappearing, the environment was being destroyed bit by bit and these proposals were detrimental. He added that the whole picture needed to be considered. He felt that it was imperative to retain this part of Thringstone and felt that Members would regret it if this application was permitted. He stated that there were traffic problems and the effects of this would be huge for the village.

The motion was seconded by Councillor R Woodward.

The Director of Services pointed out that Councillor D Everitt had spoken about the impact upon the green wedge and asked whether he wished to include in his motion that the proposals were therefore contrary to policy E20. This was agreed by Councillor D Everitt and Councillor R Woodward as the seconder of the motion.

Chairman's initials

Councillor R Woodward stated that he knew the area as he was a former representative of Thringstone. He added that the Council was committed to protecting the green wedge and there was a danger of encroachment. He urged Members to protect it.

Councillor M Specht made reference to the green wedge study paper and the pending reclassification of the site. He stated that the site was clearly outside of the green wedge and sought to move that the application be permitted.

The Legal Advisor clarified that the motion on the table needed to be voted upon before any further motion could be considered.

Councillor G Jones stated that he had visited the site and did not feel that the proposals would have any impact upon the street scene. He added that he was not keen on the design, but felt it was acceptable given that it was custom built for a disabled person. He believed that the site was outside the green wedge and he would be in favour of the development.

Councillor J Legrys expressed support for the officer's recommendation in respect of policy E20. He felt that policy E26 needed to be taken into account also. He pointed out that the report stated that part of the site was within the green wedge, and he had to believe that the report was truthful in that respect. He stated that he would be voting in favour of the officer's recommendation in order to avoid setting a precedent for other wards.

The motion to refuse the application was then put to the vote and was declared CARRIED.

RESOLVED THAT:

The application be refused on the basis of the proposed design and layout and on the basis of the site's location within the Green Wedge.

42. 14/00244/OUTM - ERECTION OF 29 DWELLINGS WITH NEW ACCESS, WOODLAND PLANTING AND LANDSCAPING (OUTLINE - ACCESS INCLUDED)

The Planning Officer presented the report to Members.

Mr A Large, applicant's agent, addressed the meeting. He pointed out that the application had only been called in to the Committee by virtue of his relationship with a Councillor. He stated that there were no objections from the statutory consultees, the proposals related well to development boundaries and was sustainable. He added that this was an attractive, well laid out scheme, which would minimise its impact. He highlighted the generous plot sizes, reflecting existing dwellings, and the affordable housing incorporated into the scheme. He concluded that the proposals represented sustainable development and urged Members to support the application.

It was moved by Councillor J Bridges that the application be permitted in accordance with the recommendation of the Director of Services.

The motion was seconded by Councillor J Hault.

Councillor J Legrys asked whether the Parish Council had made any comment. It was clarified that they had not.

The motion to permit the application was then put to the vote and it was

Chairman's initials

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

43. 14/00408/FULM - INSTALLATION OF A 7.99MWP SOLAR FARM AND ASSOCIATED INFRASTRUCTURE

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

Mrs J Wall, applicant, addressed the meeting. She stated that her company was an award-winning solar farm developer in the East Midlands. She added that the company prided itself on delivering high quality schemes. She pointed out that the proposals promoted the diversity of the site and there were no objections. She stated that the habitat for bees, birds and great crested newts would be enhanced. She added that the site could be effectively screened by hedgerows and would not be visible from many locations. She urged Members to support the proposals.

Councillor J Bridges moved that the application be permitted in accordance with the recommendation of the Director of Services. He commended the officer on a thorough and detailed report.

The motion was seconded by Councillor R Woodward.

Councillor J Coxon sought clarification on the decommissioning arrangements and asked if there was any sort of bond that would ensure this would happen

The Planning and Development Team Manager clarified that this was dealt with by means of planning conditions. He advised that the planning permission went with the land so this could be enforced with the landowner, should the company go out of business over the next 30 years.

Councillor D Howe expressed support for the scheme and felt this was the best option.

The motion to permit the application was then put to the vote and it was

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

44. 14/00627/FUL - ERECTION OF 3 NO. DETACHED DWELLINGS TOGETHER WITH ASSOCIATED GARAGING

The Senior Planning Officer presented the report to Members.

Mrs C Walmsley, supporter, addressed the meeting. She stated that the benefits of the scheme would far outweigh any disadvantages. She explained that the site had been scrubland for over 40 years and was not fit to use for agricultural purposes. She felt that granting the application would support economic growth in the village and support community facilities, including Newbold School which was growing in size. She concluded that the development would enhance village growth in general.

Mr A Large, the applicant's agent, addressed the meeting. He explained how the 3 reasons for refusal of the application could be mitigated. He stated that the loss of the veteran tree could be mitigated by way of conditions and the tree officer had no objections. He made reference to the relationship with the existing dwellings and pointed out that the development was a stone's throw from the school and bus stop, and was surrounded by existing developments. He added that the site nestled in a hollow, would enhance the village, and would be a wholly positive addition to the street scene. He highlighted that there were 17 letters of support for the scheme and only 1 letter of objection. He pointed out that the school had previously suffered from a lack of pupil numbers, and this facility could only be maintained with growth. He concluded that it was appropriate for small, well planned developments such as this to go ahead.

Councillor J Bridges moved that the application be permitted. He took on board the issues regarding the loss of the tree but felt that these could be overcome. He stated that under the NPPF, it was important to find suitable and sustainable pieces of land. He added that if any better land was available, he was not aware of it. He felt that the proposals were deliverable and sustainable, and the village itself would not be sustainable without a small, controlled amount of growth. He added that the land was not suitable for farming and this was an ideal use of the site.

The motion was seconded by Councillor G Jones.

Councillor T Neilson concurred with the officer's recommendation. He stated that having visited the site, he felt that it was too much out on a limb and the relationship with the village was not as good as was being put forward. He also felt that pieces of countryside did not have to have some practical use to be valuable. He stated that the development would look like a sore thumb.

Councillor R Woodward expressed concerns that the site was outside the limits to development and this could set a precedent. He stated that he supported the idea of small developments in villages, however he expressed concerns and stated that he could not support the proposals.

Councillor D Howe stated that if not for the few weeds, this site would be classified as brownfield. He felt that this was a very good location for development and expressed support for the proposals.

Councillor J Legrys stated that he would be voting against the motion. He asked if the Parish Council had made any comment on the proposals.

The Chairman clarified that they had made no comment, however they had discussed the application.

Councillor J Legrys made reference to the list of representations in support of the application and asked if this was a change of policy as he understood that names were not usually listed in the report. He also sought clarification on who or what Newbold Homes Ltd were. He felt that there was also an issue regarding setting a precedent as the site was outside the limits to development. He added that it was a matter of conjecture whether this site was greenfield or brownfield. He stated that the site was quite distant from the developed part of the village and he felt strongly about that issue. He made reference to the hourly bus service which had been reduced, and he stated that he could not see how the development would add to the sustainability of the village. He added that he was very disappointed that Members were minded to permit the application.

The Senior Planning Officer advised that he could not provide the details regarding Newbold Homes Ltd, however a representation had been received from the owner.

The Chairman made reference to a previous application at Oakthorpe which was outside the limits to development, which was permitted due to the local support for the scheme. He clarified that the bus service remained an hourly service and had not been reduced as indicated. He concluded that there was nowhere to build in Newbold, and if there was no development, the village could die. He concluded that the development was sustainable and asked Members to support it.

Councillor R Woodward asked the Chairman to withdraw his statement about how Members had or hadn't voted at the previous meeting. He pointed out that Members were asked to consider each application on its own merits.

The Chairman stated that he would not withdraw his statement as it was a fact.

Councillor L Spence commented that the village had a strange layout, as Melbourne Road ran along the outside, yet was clearly part of the village as well. He added that there were houses which under normal circumstances would be classified as being outside the limits to development, but they utilised the services in the village and there were other houses close by. He felt that the site was part of the village and as such he was more than happy to support the proposals. He felt that this was a good development and the issues could be circumvented.

Councillor V Richichi stated that he would support the proposals as they were wanted by the people of Newbold. He added that this was a breath of fresh air.

Councillor J Hoult stated that he would support the proposals in order to keep the school alive.

The motion to grant the application was put to the vote and declared CARRIED.

RESOLVED THAT:

The application be permitted on the grounds that the proposals represented sustainable development.

45. 13/00857/OUTM - ERECTION OF 101 DWELLINGS (OUTLINE - ACCESS, APPEARANCE, LAYOUT AND SCALE INCLUDED)

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

Mr C Tandy, objector, addressed the meeting. He stated that Ashby had exceeded its housing allocation in all respects and there were sites in Ashby that had already been put forward. He felt that the proposed highways mitigation measures were not sufficient and highlighted that 32% of all traffic accidents in Ashby took place in this area. He stated that the traffic on Wood Street continued to grow and the junction had been shown to be over capacity. He added that development commitments of over 600 houses had not been taken into account. He urged Members to refuse the application on the grounds of excessive housing and severe congestion.

The Legal Advisor explained that as Councillor R Adams had left the meeting during the presentation, he would be unable to take part in the voting thereon.

Mrs H Bareford, applicant, addressed the meeting. She stated that David Wilson Homes was a major local business with a commitment to building high quality homes. She pointed out that the site was allocated for residential development and therefore the principal of development was acceptable. She added that the development would not adversely impact upon the housing land supply and there were a number of positive local

Chairman's initials

benefits and the development offered a diverse mix of homes including affordable housing. She stated that the development was sustainable with good transport links, and of high quality design, reflecting the traditional characteristics of the surroundings. She made reference to the Section 106 agreement and the fact that there were no technical objections to the scheme, including no highways impact. She added that approval was awaited from Leicestershire County Council on the works to the Wood Street junction. She respectfully requested that Members give due consideration to supporting the application in accordance with the adopted local plan, the NPPF and the officer's recommendation.

Councillor J G Coxon stated that the Wood Street junction was chaotic and choked up at certain times of the day. He pointed out that the developers had not installed traffic lights on the previous phase of the development as they had promised. He felt that congestion was increasing and he could not support the application. He added that the Town Council were not in favour of the application. He concluded that one solution would be to defer the application until the traffic lights were installed.

The Planning and Development Team Manager stated that this was a fair comment, as the Wood Street signalised improvements had not yet been carried out, which was a condition of phase 1 of the development. He felt however that this was no reason not to approve this application as a condition could be imposed that the dwellings remain unoccupied until the traffic lights were installed. He understood that there could be further delays in completing the signalised improvements.

Councillor J Legrys expressed support for the views of Councillor J G Coxon. He stated that he understood the reason for the delay in the signalised works was that the applicant had not undertaken satisfactory underground investigations prior to submitting the application and equipment had been found which would be expensive to move. He expressed concerns that it was currently unknown whether or not the signalisation would improve the traffic situation. He added that the Corkscrew Lane junction was not good and there had been a number of accidents there, and this situation should not be exacerbated. He added that his main concern was the housing land supply, as permission had already been given for 5,500 dwellings, and the Council would probably soon be able to demonstrate a 10 year housing land supply at this rate. He added that there would soon be no land under the SHMA upon which to grant permissions. He expressed concerns about prematurity and felt that he would want to see the local plan resolved first.

Councillor J G Coxon moved that the application be deferred until the traffic lights were installed.

The motion was seconded by Councillor J Legrys.

The Chairman reminded Members that if the application was now deferred, the members of the public would be unable to speak again.

The Director of Services advised that an open-ended deferral would be very risky and difficult to sustain as the applicant would likely appeal against non-determination. He stated that if Members were minded to defer the application, it should be to seek further advice from the Highways Authority on the transport assessment. He strongly advised against an open-ended deferral.

The mover and seconder of the motion indicated that they were happy with this advice, subject to the application being deferred for a sufficient amount of time for the proper and considered advice to be sought.

The motion was then put to the vote and declared LOST.

Chairman's initials

Councillor M Specht stated that the land had been allocated for development and he could see no reason to refuse the application. He moved that the application be permitted in accordance with the officer's recommendation.

The motion was seconded by Councillor M B Wyatt.

The motion was then put to the vote and it was

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

In accordance with Council Procedure Rule 8.1, it was

RESOLVED THAT:

The meeting be extended for no more than 30 minutes to enable the remaining business to be concluded.

At 7.44pm the Chairman adjourned the meeting for a comfort break. The meeting was reconvened at 7.49pm.

46. 14/00554/FUL - ERECTION OF 7 NO. DWELLINGS (AMENDED SCHEME IN RESPECT OF PREVIOUSLY APPROVED DWELLINGS TO PLOTS 1-6)

The Principal Planning Officer presented the report to Members.

Councillor A C Saffell, Ward Member, addressed the meeting. He pointed out that room had been made for an extra dwelling by removing parking spaces and double garages. He referred to the size of the proposed garages, which were the same size of those that had been under discussion by Members as they were too small to accommodate a car. He added that the roads were very narrow and the houses were close together. He stated that the development was over half a mile away from the bus station and people were forced to drive. He pointed out that other 4 bedroomed houses elsewhere in the village had 4 cars. He concluded that the whole estate was a disaster already and urged Members to refuse the application.

Councillor R Woodward moved that the application be refused and referred to comments he had made in the past about reserved matters and amended schemes. He agreed with Councillor A C Saffell's comments that garages had been taken out just to fit in an extra dwelling.

The motion was seconded by Councillor J Legrys.

Councillor J Bridges sought clarification on the density of the overall site and whether this was in line with national planning policy guidelines.

The Principal Planning Officer advised that the overall density was approximately 30 dwellings per hectare, which was a relatively low density scheme.

Councillor J Bridges sympathised with the comments made, however he pointed out that planning permission could be refused on the basis that the requisite density had not been achieved.

Chairman's initials

Councillor G Jones stated that having visited the site, he disagreed with the comments made and could see nothing wrong with the change in plans.

Councillor J Legrys stated that he supported the motion to refuse the application. He commented that if people could not get their cars into garages, it exacerbated the highways issues. He added that there would always be more cars than parking spaces. He made reference to the current housing land supply situation and added that this change was not needed. He requested that reports be written which reflected the current position rather than a cut and paste. He asked if Leicestershire Fire and Rescue Service had been consulted on the proposals.

The Principal Planning Officer advised that it had not, although clarified that the relevant statutory consultee was the local Highway Authority who would, if necessary, consult with Leicestershire Fire and Rescue Service.

Councillor J Legrys expressed deep concern that his question could not be answered and he felt that it was appalling that the Council did not consult Leicestershire Fire and Rescue Service. He commented that the application represented a reduction in parking spaces, and felt that once permission had been granted, further changes should not be made unless there were mitigating circumstances.

The Chairman commented that the houses on the estate were beautiful. He pointed out that the overall number of houses on the site had been reduced, even taking into account this addition. He could not see any reason to refuse the application.

Councillor T Neilson stated that he had noticed the narrowness of some of the roads when he had visited the site. He commented that the houses were pretty, but also pretty impractical. He added that it was a shame that the Council did not have a policy on garage sizes. He felt that the application should be refused as it was squashing up the development. He added that this part of the site was the furthest away from the village amenities and people would be expected to use cars.

Councillor D Howe commented on how beautiful the estate was and felt it was a credit to the developer.

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

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 Director of Services.

47. 14/00619/FUL - SINGLE STOREY REAR EXTENSION TO DWELLING AND GARAGE ALONG WITH THE ERECTION OF A SINGLE STOREY DETACHED STUDIO

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

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

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

Chairman's initials

48. 14/00642/FUL - ERECTION OF DETACHED DWELLING AND DETACHED GARAGE (RETROSPECTIVE)

The Senior Planning Officer presented the report to Members.

It was moved by Councillor G Jones, seconded by Councillor V Richichi and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

49. EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

50. RECEIPT OF ADVICE IN RESPECT OF APPLICATION 12/00922/OUTM

The Director of Services reminded Members that this item was being considered in confidential session. In respect of item A1, the applicant had indicated that they would withdraw their appeal, and should that be the case, this advice would become irrelevant. However until the appeal was formally withdrawn, Members were asked to remove one of the reasons for refusal.

Councillor J Legrys stated that he was pleased with the advice and in hindsight, perhaps the issues on the appeal might not have developed in the way they had. He expressed disappointment that the Council was in the position where it was difficult to provide evidence of matters such as the Hugglescote crossroads, as the Council did not have the professional advice at appeal. He added that he was aware of the displeasure of Council at not having the requisite professional evidence to provide at appeal. He expressed his deep disappointment at this situation.

It was moved by Councillor R Woodward, seconded by Councillor G Jones and

RESOLVED UNANIMOUSLY THAT:

Reason for refusal 1 be not contested by the Local Planning Authority at the forthcoming appeal.

The meeting commenced at 4.33 pm

The Chairman closed the meeting at 8.11 pm