

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 DECEMBER 2013

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R D Bayliss, R Blunt, N Clarke, S Sheahan, L Spence and T J Pendleton.

Officers: Mr C Elston, Mr D Gill (for items A1, A2 and A3), Mr D Hughes, Mr J Knightley, Mr J Mattley, Mr S Stanion and Mrs R Wallace.

27. APOLOGIES FOR ABSENCE

There were no apologies for absence.

28. DECLARATION OF INTERESTS

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

Councillors N Smith and M B Wyatt declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A3 application number 13/00818/OUTM.

Councillors R Adams, T Neilson, J Legrys, D Everitt and T Gillard declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM and item A3 application number 13/00818/OUTM.

Councillors G A Allman, J Coxon and J Hoult declared a non pecuniary interest in item A1 application number 13/00335/OUTM as members of Ashby Town Council and that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM and item A3 application number 13/00818/OUTM.

Councillor M Specht declared a non pecuniary interest in item A3 application number 13/00818/OUTM as he was addressing the Committee in objection as a Ward Member, he would therefore leave the meeting for the discussion and voting thereon. He also declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A4 application number 13/00266/FUL.

Councillor R Johnson declared a non pecuniary interest in item A2 application number 12/00922/OUTM as a Member of Hugglescote Parish Council and that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A3 application number 13/00818/OUTM and item A4 application number 13/00266/FUL.

Councillors D Howe and R Woodward declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM.

Councillor J Bridges declared a non pecuniary interest in item A5 application number 13/00803/REM due to a business matter and that he had been lobbied without influence in

respect of item A1 application number 13/00335/OUTM and item A2 application number 12/00922/OUTM.

Councillor G Jones declared a non pecuniary interest in item A1 application number 13/00335/OUTM as a member of Ashby Town Council and that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/00922/OUTM, item A3 application number 13/00818/OUTM and item A4 application 13/00803/REM.

29. MINUTES

Consideration was given to the minutes of the meeting held on 12 November 2013 and the following amendments were proposed:

- Councillor J Geary be added as in attendance.
- Under item A2, the last sentence of Mrs E Marjoram's objections to read as follows:
'As there was currently no five year housing supply, Mrs Marjoram urged Members to refuse the application as this would create a precedent for back garden development.'
- Under item A2, the response from the Senior Planning Officer regarding the condition of the ground to read as follows:
'The Senior Planning Officer reported that photographic evidence had been supplied showing the hole in the ground to a particular depth which indicated that no granite was found but it was not guaranteed that the site was completely granite free.'

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

RESOLVED THAT:

Subject to the above amendments, the minutes of the meeting held on 12 November 2013 be approved and signed as a correct record.

30. 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.

A1

13/00335/OUTM

Development of 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Woodcock Way (outline - all matters other than part access reserved)

Money Hill Site North Of Wood Street, Ashby de la Zouch, Leicestershire

The Principal Planning Officer presented the report to Members.

Councillor R D Bayliss, Ward Member, addressed the Committee. He explained that his

main concerns were the highway implications of the proposal, especially the unresolved matters which needed to be resolved before the application could be approved. He expressed concerns regarding the access onto the A511 roundabout and the impact the increase in traffic would have on Tamworth Road. He concluded that if Members were considering approval they needed to take more time to get the development right and if they could not get it right then Members should not approve the application.

Mr M Ball, objector, addressed the Committee. He explained that he had lived in Ashby for 24 years so could understand why developers wanted to build in the area but the proposed 30 percent increase in the size of the town would be detrimental to the highways. He felt that the highway proposals were unsafe and would only worsen the current issues that residents face when using the access to Woodcock Way. When considering the transport plan, Mr Ball claimed that there was nothing included that addressed the inadequacies within it and that the A511 and A42 would not be able to cope with the influx of traffic. He concluded that the Highways Agency had directed that Planning should not be granted and he urged the Committee to follow this advice and refuse the application.

Mr R Sutcliffe-Smith, agent, addressed the Committee. He reported that the highway proposals had been thoroughly assessed and that there had been no objections from Leicestershire County Highways or the Highways Agency. He explained that changes had been made to take pressure off Nottingham Road, as well as multiple access points proposed to allow the scheme to be future proof to allow for a larger scheme in time. He added that the development would provide employment opportunities for local people. Mr Sutcliffe-Smith concluded that refusing the application would put pressure on other Wards in the District and as this site was the preferred option for development for the Council, he urged Members to approve the application.

Councillor J G Coxon stated that in his opinion the proposal was both poor and inadequate, and it was disappointing that the Committee had asked for changes and nothing had been forthcoming. Therefore he moved that the application be refused on the grounds of poor design and access. It was seconded by Councillor J Hoult.

Councillor J Legrys asked the Officers for confirmation that the proposed reasons for refusal were appropriate and asked what the consequences of an appeal would be if the application was refused. The Head of Regeneration and Planning explained that the reasons proposed were appropriate. He also stated that the applicant had indicated that if the application was refused they would take the decision to appeal and at this point he would not be able to guess at the likely outcome.

Councillor G Jones commented that he agreed with the previous decision to defer the application and felt that Members were not against the development of the site in principle but there were still far too many matters unresolved. He also believed that the developer should take into account people who would want to downsize when developing the site.

Councillor T Neilson commented that he was disappointed that the applicant was not willing to engage more with the Council and he felt it would be foolish to approve the application. He stated that he had a clear idea of what was needed for the site and the development should be a more sustainable proposal which addressed highway matters.

Councillor D Everitt explained that he would like to see houses built on the site but could not agree with the current proposal. He felt that the developer was not listening to the Council or the local residents and the proposed access was not good enough. He

stressed the importance of getting the development right.

Councillor G A Allman expressed his concerns that the highway matters remained unresolved when the developer had been given plenty of opportunities to do so. Councillor J Hoult agreed and also added that although he was worried about the possible costs of an appeal, he was more worried about getting the wrong development for the site.

The Chairman reiterated comments made by Members regarding the poor access and the disappointment that the developer had not resolved any matters as requested. He also expressed his concerns that the site may not be developed in the future and the access would remain on Woodcock Way permanently.

The Principal Planning Officer gave advice on the most appropriateness of including additional reasons for refusal relating to the Highways Agency Direction regarding Junction 13 of the A42 and the under provision of affordable housing given that the viability work to demonstrate the ability to provide a 30 per cent affordable housing contribution had not been completed in the event that Members were minded to refuse the application for the reasons moved.

The mover and seconder of the motion approved the suggested additional recommended reasons for refusal.

RESOLVED THAT:

The application be refused on the grounds of unacceptable access in terms of connections to the town centre and vehicular access to Woodcock Way, adverse impacts on highway safety at Junction 13 of A42 and the under provision of affordable housing.

A2

12/00922/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)
Land South Of Grange Road, Grange Road, Hugglescote, Leicestershire

The Principal Planning Officer presented the report to Members.

Mr M Lambert, objector on behalf of Leicestershire Police, addressed the Committee. He thanked Officers for the information that was included in the update sheet. He expressed his concerns that although contributions were requested a year ago, no contact had been made until the report was available to view. He added that the Police were against any blanket policies across regions.

The Legal Advisor referred Members to the advice detailed within the update sheet.

Mr A Tidesley, agent, addressed the Committee. He commented that it was the third time that the Committee were considering the application and gave the following reasons as to why it should be approved:

- It was a £14million investment and would provide employment for local people.
- Suppliers for the development were local and rely on the business.
- The development would provide much needed affordable housing.
- Providing £300,000 contributions towards schools, libraries and other local amenities.

- Providing £500,000 contributions towards infrastructure improvements including Hugglescote crossroads.

- There were no proposed flood risks that were not adequately addressed.

He concluded that he understood there were still highway concerns but that a stage 1 highways audit had been undertaken to ease these concerns.

Councillor J G Coxon stated that it was important to make a decision as the application had already been considered at three different meetings. Therefore he moved the Officer's recommendations to approve the application. It was seconded by Councillor G Jones.

Councillor R Johnson made the following comments:

- The development may have been providing affordable homes but at only 10 percent, it was lower than the number required.
- He was disappointed that no-one had come forward with any constructive solutions relating to highway safety.
- The Traffic Impact Assessment was still based on the Miller Homes Standard Hill application, not this application.
- There was nothing within the application to suggest any traffic calming measures or access to the graveyard.
- He referred to page 93 of the report which stated that 'until such a time as a scheme has been identified, a scenario of "short term pain" for "long term gain" is considered acceptable.' Councillor R Johnson believed this was an uncaring statement.
- The site was a Greenfield site and would not meet the criteria for development in the countryside; it was contrary to the provisions of Policy S3.
- There were still flooding issues, particularly at the play area which was not reassuring for the future residents. As part of the site lies on flood plains, no matter how the developer proposed building the houses it does not alter the fact that houses at the bottom of the hill would be open to potential flooding.
- The risk assessment was based on the Environment Agency's flood maps which were incorrect and out of date according to local knowledge.

Councillor J Legrys asked for clarification on where the highway contributions were being used as the Parish Council were told that it was going to be used for the Bardon link road. They do not want to lose the Community Centre for road improvements. The Head of Regeneration and Planning explained that the contributions were calculated on what was needed for the area and it was likely that in this case it would go towards Hugglescote crossroads, if it was not needed for that purpose it would be put to use elsewhere in the Coalville area.

Councillor J Legrys referred to the community speed watch which was detailed within the update sheet and explained that even though the same equipment was used as the County Council Highway Authority's survey, the average speed recorded was higher than 30 miles per hour. He added that the Hugglescote crossroads were already over saturated and the only way to ease this was the link road.

Councillor T Neilson agreed that a decision needed to be made but he believed that the application was premature as there were no detailed plans to resolve the highway issues. He concluded that it had been acknowledged that Hugglescote crossroads was over saturated and for this reason he could not approve the application.

The Chairman stated that everyone wanted to see road improvements in the area but he reminded Members that there was no funding available from Government to undertake these works, therefore the Council were reliant on the contributions from the developers. Without the approval of applications such as the one being considered, the highways issues would remain unsolved. He urged Members to consider this when making their decision.

The motion to approve the application in accordance with the Officer's recommendations was put to the vote.

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

For the motion:

Councillors J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (7).

Against the motion:

Councillors R Adams, G A Allman, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, M Specht, R Woodward and M B Wyatt (10).

Abstentions:

(0).

The motion was LOST.

Councillor J Legrys moved that the application be refused on the grounds of highway safety of the site access, over capacity of the Hugglescote Crossroads and the impact of flooding based on local knowledge. It was seconded by Councillor R Johnson.

In response to a question from the Chairman, the Head of Regeneration and Planning explained that as it was a sustainable site, if the decision went to appeal Officers would not be able to support the decision.

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

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

For the motion:

Councillors R Adams, G A Allman, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, M Specht, R Woodward and M B Wyatt (10).

Against the motion:

Councillors J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (7).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds of highway safety of the site access, over

capacity of the Hugglescote Crossroads and impact of flooding based on local knowledge.

A3

13/00818/OUTM

Residential development of up to 135 dwellings including the demolition of 138, 140 and 142 Bardon Road along with new access and highway improvements to Bardon Road and associated open space and landscaping (Outline - All matters other than part access reserved)

Land Rear Of 138 Bardon Road, Coalville, Leicestershire

The Senior Planning Officer presented the report to Members.

At the request of Councillor J Legrys, the Deputy Monitoring Officer gave the Committee advice regarding the issue of pre-determination as a similar application had been considered previously. He assured Members that as long as Members considered the new application with an open mind, they would not be pre-determined.

Councillor M Specht, Ward Member, addressed the Committee. He made the following comments:

- In his opinion, this application was no different to the application previously considered by the Committee.
- He referred to paragraph 159 and 182 of the National Planning Policy Framework and explained that the application did not have the infrastructure as required.
- If the application was permitted it would have huge traffic implications and there would be a lot of pain for no gain.
- The proposal had no relationship with any future development.
- The proposal did not meet Policy E3 or Policy E6 and would be detrimental to local amenities.

Having declared an interest, after addressing the Committee, Councillor M Specht left the meeting during the discussion and voting thereon.

Ms S Gibson, objector, addressed the Committee. She commented that Bardon Road was currently dangerous and the introduction of yet another junction would only make matters worse, and cause major delays. When the application was considered in September Members refused it on the grounds of highway safety, Ms Gibson felt that this application was no different. She appealed to Members to refuse the application until an appropriate infrastructure was in place as it was dangerous and safety was paramount.

The Head of Regeneration and Planning assured Members that although the application was an identical proposal, it was a new application. He also reminded Members that County Council Highways and an independent advisor raised no highway objections.

Councillor N Clarke, in objection, addressed the Committee. He raised the following points:

- The application did not demonstrate how the Coalville Urban Area would be developed or linked.
- The development brief at paragraph 5.5.10 of the report referred to a link road but access would be directly onto Bardon Road until the link road was completed. There were no timescale for this.
- The proposed access was unsafe and not acceptable.

- There were many objections plus a petition against this application, he therefore urged Members to reject the application.

Mr T Coleby, agent, addressed the Committee. He explained that he was aware of local concerns regarding highway safety but there had been no objections received from County Council Highways or the Council's independent consultant. The development would provide contributions towards the link road and the Bardon Road access would be closed once the link road was complete. He urged Members to approve the application.

Councillor T Neilson commented that there had been three similar applications considered at the meeting, all with similar problems and he believed this was because of the Council's issues with the five year housing land supply. He stated that he still had many concerns and he had not seen anything within the independent advice to change his mind from the last time this was considered. He went on to move that the application be refused on the grounds that it was contrary to Policy T3. It was seconded by Councillor R Adams.

The Head of Regeneration and Planning reminded Members that although the developer was currently prepared to offer contributions towards highway infrastructure in the area, if Members were minded to refuse the application, the developers could refuse to make any contributions in the future. Without the contributions the highway infrastructure would not be able to be progressed any further.

Councillor M B Wyatt commented that the developer was asked to work with other developers in the area regarding the traffic infrastructure and it was disappointing that they were not prepared to do so. He felt that the traffic impact on Bardon Road would be unacceptable.

Councillor J Bridges moved the Officer's recommendations to permit but it was not seconded.

In response to a question from Councillor J Legrys, the Head of Regeneration and Planning confirmed that the independent advice was circulated to all Members.

Councillor J Legrys made the following comments:

- He was disappointed that the comments that he made were not included within the report.
- He felt that the independent advice was flawed as he used Bardon Road regularly and it was very busy.
- He believed that the developer would not be able to sell houses if residents could not access the site.
- He was concerned that with the introduction of the cycle path and without the link road, people would be using the roundabout for performing u-turns.
- He believed planning policy should be more proactive to gain contributions up front before developments were built.

He concluded that his views remained the same as there was nothing within the application that would mitigate the problems with the access.

Councillor R Johnson agreed with Councillor J Legrys. He also stated that Bardon Quarry had been given permission to expand their operations which would lead to more queuing traffic on Bardon Road.

Councillor J Bridges stressed that the Committee were putting the Council in the position where there was no money for highway improvements, the Section 106 monies were desperately needed. He stated that Members were not supporting local people as they believed they were by refusing these applications. Councillor J G Coxon and the Chairman concurred.

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

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

For the motion:

Councillors R Adams, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, R Woodward and M B Wyatt (8).

Against the motion:

Councillors G A Allman, J Bridges, J G Coxon, T Gillard, J Hault, G Jones, N Smith and D J Stevenson (8).

Abstentions:

(0).

The result being tied, the Chairman exercised his casting vote and voted against the motion.

Therefore, the motion was LOST.

Councillor J Bridges moved the Officer's recommendations and it was seconded by Councillor J G Coxon.

The motion to approve the application was put to the vote.

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

For the motion:

Councillors G A Allman, J Bridges, J G Coxon, D Everitt, T Gillard, J Hault, D Howe, G Jones, N Smith and D J Stevenson (10).

Against the motion:

Councillors R Adams, R Johnson, J Legrys, T Neilson, R Woodward and M B Wyatt (6).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be approved in accordance with the recommendations of the Head of Regeneration and Planning.

A4

13/00266/FUL

Erection of 2 no. 250 KW wind turbines and associated infrastructure including access track

Land Off Farm Town Lane, Farm Town, Coleorton, Leicestershire

The Principal Planning Officer presented the report to Members.

The Planning and Development Team Manager read out letters of objection from Andrew Bridgen MP and residents of Farm Town.

Mr S Bate, agent, addressed the Committee. He outlined the following benefits of the proposal – gaining energy from a renewable source, contributing towards climate change and environmental targets and financial benefit for the land owner due to rental charges. He understood that wind turbines were controversial but he believed the benefits outweigh the concerns. He respectfully requested that the application be approved.

The Chairman, as Ward Member, strongly disapproved of the erection of the turbines as the proposal was for the middle of nowhere and had no benefits at all to the local people. He explained that although it was difficult to provide planning reasons for refusal he moved that the application be refused on the grounds that it was contrary to Policy E3 and Policy E4. It was seconded by Councillor G Jones.

Councillors D Everitt and M B Wyatt disagreed with the opinion of the Chairman as they welcomed wind turbines.

For clarification, the Planning and Development Team Manager confirmed that there had been a wide consultation undertaken, including the Parish Council. He also advised Members that in the absence of an objection to the proposal from the Council's Environmental Protection Officer and the distance of the proposed turbines to the nearest residential properties, a reason for refusal based on E3 of the Local Plan would unlikely be successfully defended at appeal.

As such, a motion to refuse the application as contrary to Policy E4 of the Local Plan was put to the vote.

RESOLVED THAT:

The application be refused on the grounds that it was contrary to Policy E3 and Policy E4.

A5

13/00803/REM

Erection of two dwellings with garages (Reserved Matters to Outline Planning Permission 10/00751/OUT)

84 Ashby Road, Woodville, Swadlincote, Derbyshire

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

By affirmation of the meeting it was

RESOLVED THAT:

The application be approved in accordance with the recommendations of the Head of Regeneration and Planning.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 7.00 pm