

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 MARCH 2016

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Ashman (Substitute for Councillor N Smith), R Boam, J Bridges, R Canny, J Cotterill, D Everitt, J Geary (Substitute for Councillor R Johnson), D Harrison (Substitute for Councillor J G Coxon), J Hoult, G Jones, J Legrys and M Specht

In Attendance: Councillors T Gillard and T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mrs A Lowe, Mr J Mattley, Mr A Mellor and Mr J Newton

#### **104. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J G Coxon, R Johnson and N Smith.

#### **105. DECLARATION OF INTERESTS**

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

Councillor M B Wyatt declared a pecuniary interest in item A1, application number 14/00800/OUTM as he had openly campaigned against any development on the site and he would leave the meeting and take no part in the consideration and voting thereon.

Councillor R Adams sought clarification from the Legal Advisor on interests who had at previous meetings voted against developments on the wider site.

The Legal Advisor advised Members that if they had previously campaigned about development on the wider site but had come to the meeting with an open mind and would consider all of the information that was presented to them then there was no disclosable interest.

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

Item A1, application number 14/00800/OUTM

Councillors R Adams, R Boam, J Bridges, J Cotterill, D Everitt, D Harrison, G Jones, J Legrys, M Specht and D J Stevenson

Item A2, application number 15/00128/FUL

Councillors R Ashman, R Canny, J Legrys, V Richichi, M Specht and D J Stevenson

Item A3, application number 15/00950/FULM

Councillors R Ashman, R Boam, R Canny, J Geary, J Legrys, M Specht and D J Stevenson

Item A4, application number 15/00948/FUL

Councillors R Ashman, R Canny, J Geary, J Legrys, M Specht and D J Stevenson

Item A5, application number 15/00949/FUL

Councillors R Ashman, R Canny, J Geary, J Legrys, M Specht and D J Stevenson

Chairman's initials

**106. MINUTES**

Consideration was given to the minutes of the meeting held on 2 February 2016.

It was moved by Councillor J Legrys, seconded by Councillor N Smith and

RESOLVED THAT:

The minutes of the meeting held on 2 February 2016 be approved and signed by the Chairman as a correct record.

**107. PLANNING APPLICATIONS AND OTHER MATTERS**

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

Having declared a pecuniary interest in item A1 Councillor M B Wyatt left the meeting and took no part in the consideration or voting thereon.

**108. A1  
14/00800/OUTM: RESIDENTIAL DEVELOPMENT AND ASSOCIATED  
INFRASTRUCTURE (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS  
INCLUDED)**

Land Rear Of Hall Lane Whitwick

Officer's Recommendation: REFUSE

The Principal Planning Officer presented the report to Members.

Councillor T Gillard, adjacent Ward Member and Parish Councillor addressed the Committee. He thanked Councillor R Adams, Ward Member for the opportunity to speak. He highlighted to Members that since previous applications for the wider site had been refused nothing had changed and that none of the residents wanted the development. He urged the Committee to support the recommendations.

Ms S Colledge, on behalf of Whitwick Parish Council addressed the Committee. She advised the Members that both the Parish Council and the Whitwick Action Group had strongly objected to any application to build on the Green Wedge as they would be contrary to policy E20 of the Local Plan and the site had been identified as part of an Area of Separation under policy En5 of the draft Local Plan. She informed the Committee that the development would not be sustainable and that the additional traffic would have a severe impact on already congested roads and the air quality. Ms S Colledge drew Members attention to the report that stated that both the Secretary of State and the High Court had dismissed previous appeals on the site and that nothing had changed since these decisions.

County Councillor L Spence, objector, addressed the Committee. He stated that the Green Wedge was precious to the residents of Whitwick and that it was historically protected. He advised that the application before them was not the first and certainly would not be the last, but no one including residents, the Parish Council or the District Council wanted development on the site. He highlighted that the land was valuable agricultural land and an irreplaceable amenity adding that should the application be permitted a precedent would be set for many more applications. He urged Members to support the officer's recommendation to refuse the application.

Chairman's initials

Mr T Evans, agent, addressed the Committee. He advised Members that the authority was not able to demonstrate a five year housing land supply and as such all relevant policies were out of date. He advised Members that the development would have a modest impact on the area as there would still be a significant area of separation and that the proposed highway works would address the congestion and air quality impacts. He reminded the Committee that the NPPF compared the impacts against the benefits and in relation to this development the high quality designs, forest planting, economic and social benefits would outweigh the modest impact on the Green Wedge.

The officer's recommendation to refuse the application and that reason for refusal 3 be deleted as outlined within the update sheet was moved by Councillor R Adams and seconded by Councillor M Specht.

Councillor G Jones expressed concerns that the impact was not a modest one as described by the agent, but a significant one as it would be development on the Green Wedge.

Councillor M Specht stated that the proposed site was an area of separation in the emerging Local Plan, that this gave strength to its defence, and that the Council needed to stop the coalescence of the area. He added that he fully supported the officer's recommendation.

Councillor J Bridges stated that he had fundamental concerns as it was an area of separation and therefore this gave weight to the development not being sustainable and therefore he could not vote in favour of the application.

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Head of Planning and Regeneration and reason for refusal 3 be deleted as outlined within the update sheet.

Councillor M B Wyatt returned to the meeting.

**109. A2**  
**15/00128/FUL: ERECTION OF SIX NO. HOUSES**  
 11 Main Street Ravenstone Coalville Leicestershire LE67 2AS

Officer's Recommendation: PERMIT subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

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

In response to comments made by Members in relation to developer contributions the Principal Planning Officer stated that it was not proposed that a contribution be made towards affordable housing. A viability report was submitted in relation to this and assessed by the District Valuer to which no objections were raised.

Following concerns raised by Councillor D Everitt, the Head of Planning and Regeneration advised Members that the viability appraisal had been conducted on the basis of the application site and the neighbouring site as a single whole site, because as a rule of thumb the larger scale the development, the bigger the pot that would be available for Section 106 contributions.

Councillor J Legrys stated that there had been a lot of objection to the previous application and that he had read the District Valuer's report. He said that people in the village were expecting had crafted tiles and joinery He felt that he could not support the application as it was not clear as to what was proposed and that the NPPF was clear on the expectations as to what developers should contribute to and as such the authority should expect payments towards all civic services.

Councillor J Geary agreed that the existing development had greatly enhanced the village, that it was well laid out, a good design and in general there was no objection, however he could not support a development that could not contribute towards affordable housing.

Councillor D J Stevenson stated that when he had visited the site a resident had stated that there had been a lot of objection to the original application, but that, now it is under construction and people could see it, the feeling had changed to believe that it was a benefit to the village.

RESOLVED THAT:

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

**110. A3  
15/00950/FULM: PROPOSED ERECTION OF AGRICULTURAL BUILDINGS, FARM SHOP AND FARMHOUSE ALONG WITH THE FORMATION OF VEHICULAR ACCESS AND YARD**

Land South Of The Green Diseworth Derby DE74 2QN

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members

Before he spoke to the Committee, Mr A Allman sought clarification from the officer on the loophole referred to in the update sheet in relation to the structures having a height limit of 3.0 metres if they are in close proximity to the airfield.

The Senior Planning Officer advised that as the buildings exceeded 3.0 metres in height they were not permitted development and that reference to permitted development was simply to outline that built agricultural structures could be provided on the site. As the application was on sloping land a loophole in the permitted development regulations would allow buildings to be constructed which were higher than 3.0 metres provided that at their highest point they were no greater than 3.0 metres above the highest land level adjacent to the building where such a measurement would be taken.

Mr A Allman, objector, addressed the Committee. He advised Members that the site was outside the Limits to Development of the village and that should there be any issues with any of the three applications, the other two could remain unfinished. He expressed concerns that the size of the development was unsustainable and that the farm shop would not be financially viable. He was worried about how empty buildings on the might be used.

Ms C Chave, agent addressed the Committee. She advised Members that the family had farmed in the village for 100 years and were now preparing for the next 100 on land which they owned and would allow them to remain in the village. She highlighted that there was no village shop currently and that the farm shop would be accessible to all. Ms C Chave noted that the land was outside the Limits to Development, but drew Members' attention to the independent assessment that stated the application was justified and sustainable,

Chairman's initials

adding that a sound business case had been put forward. She added that the Council's independent expert had verified the farm's financial business case, stated that Mr Allman was not in a position to accurately comment on it, and urged Members to support the recommendation.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor J Hoult.

Councillor J Legrys stated that he supported the application as it would assist in sustaining the village. He highlighted that the development would remove the movement of the heavy industrial vehicles from the village and that farming needed to grow. He added that the location of the farm shop on the main road was ideal and that the application should be commended.

Following a question from Councillor J Geary, the Planning and Development Team Manager advised that there were no limitations on the goods that could be sold in the farm shop and that there were no conditions restricting the shop.

Councillor J Geary felt that the shop would be an asset to the village.

Councillor D J Stevenson stated that the site was an ideal location for a farm as the heavy vehicles would not need to go through the village.

RESOLVED THAT:

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

**111. A4**  
**15/00948/FUL: PARTIAL DEMOLITION OF FARM BUILDING, CONVERSION AND EXTENSION OF REMAINING FARM BUILDINGS TO FORM TWO DWELLINGS ALONG WITH THE ERECTION OF SIX ADDITIONAL DWELLINGS AND ALTERATIONS TO VEHICULAR ACCESS**

Village Farm 36 Hall Gate Diseworth Derby DE74 2QJ

Officer's Recommendation: PERMIT subject to a Section 106 Agreement

The Senior Planning Officer presented the report to Members.

Ms C Chave, agent, addressed the Committee. She advised Members that there were flooding and traffic objections to the application, but stated that the development would reduce runoff to the brook by 30%, and improve the highway situation including the access and by reducing the movements of heavy machines. She stated that the new bespoke, architect designed contemporary buildings would work well with the attractive heritage farm buildings that were to be converted.

The officer's recommendation was moved by Councillor M Specht, seconded by Councillor R Ashman and

RESOLVED THAT:

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

**112. A5  
15/00949/FUL: PARTIAL DEMOLITION OF FARM BUILDINGS, CONVERSION AND  
EXTENSION OF REMAINING FARM BUILDING TO FORM ONE DWELLING ALONG  
WITH THE ERECTION OF THREE ADDITIONAL DWELLINGS AND ALTERATIONS TO  
ACCESS**

Hallfield Farm 1 Hall Gate Diseworth Derby DE74 2QJ

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Ms C Chave, agent, addressed the Committee. She advised Members that small amendments had been made to take into account the privacy and visual impact concerns that had been raised, and that the noisy grain drying machine would be removed, and the old stone walls would be retained. She urged the Committee to support the application.

The officer's recommendation was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.34 pm