

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 14 APRIL 2015

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors R D Bayliss, J Geary, T J Pendleton and S Sheahan

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

118. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Bridges, D Howe, N Smith and R Woodward.

Councillor G Jones requested that as Councillor D Howe was retiring, a letter be sent to him thanking him for his contribution to the Planning Committee over the years and wishing him good luck in his recovery.

Councillor M Specht requested that a letter also be sent to Councillor R Woodward thanking him for his contribution to the Planning Committee over the years.

119. DECLARATION OF INTERESTS

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

Councillors J Legrys, T Neilson and D J Stevenson declared that they had been lobbied without influence in respect of items A1, A2 and A3, application numbers 14/00445/FULM, 14/00931/FULM and 15/00063/FUL.

Councillors J G Coxon and M B Wyatt declared a non pecuniary interest in item A3, application number 15/00063/FUL as a member of the combined fire authority, which was previously the owner of building.

Councillors J Legrys and L Spence declared a pecuniary interest in item A3, application number 15/00063/FUL, as members of the Labour and Co-operative Party who would be in receipt of financial sponsorship in respect of their election expenses, and as the building was to be occupied by the Co-operative Society.

Councillor D J Stevenson commented that planning permission was given according to the use of the land, rather than a particular company.

120. MINUTES

Consideration was given to the minutes of the meeting held on 10 March 2015.

Councillor M Specht referred to his statement on page 7 of the agenda in respect of item A3, application number 15/00072/OUT, as he felt the minutes did not reflect what he had said at the meeting. He requested that the minutes be amended to clarify that he had said he could not agree the site was unsustainable, and the fact that there was no footpath along Bakewell Way should not be a concern, as this was not a highway matter. He also did not feel that the reduced street lighting was a reason for refusal as Leicestershire

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County Council had rolled out a programme of lights off in consultation with Parish Councils. He had also expressed concern about the traffic heading towards the A42 which would be a highway safety matter.

Councillor J Legrys referred to item A2, application number 14/00991/FULM, and thanked the officers for resolving this matter.

It was moved by Councillor J Legrys, seconded by Councillor R Johnson and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 10 March 2015 be approved and signed by the Chairman as a correct record.

121. 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.

122. A1

14/00445/FULM: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 26 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE (AFFORDABLE HOUSING TO BE PROVIDED WITHIN APPLICATION REFERENCE 14/00444/FULM)

Land Adjoining Greenacres Bosworth Road Measham

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

The Planning Officer presented the report to members.

Mrs C Cook, applicant's agent, addressed the meeting. She expressed support for the officer recommendation and considered the report to be balanced. She added that the applicant had worked hard with officers to ensure a high quality scheme. She advised that the number of dwellings had been reduced to accommodate ecological and biodiversity requirements. She added that all parties were in agreement with the proposed heads of terms in report. She stated that members would be aware of the application at New Street in respect of affordable housing. She advised that the applicant was currently working on alleviating the problems with this application and she was confident that these dwellings could be achieved. She believed that the report before members took account of the full range of NPPF policies. She concluded that the application site was in a sustainable location and was close to facilities; there were no outstanding issues and she hoped members would support the officer recommendation.

Councillor T Neilson felt that the application was premature given the link to the application on New Street. He added that the site was outside the limits to development and he felt that there had to be a very good reason to extend the limits to development further. He commented that the legal agreement linking the two applications was some sort of backroom deal. He stated that it was crucial that members consider and determine the applications concurrently to give assurance that the scheme was going to be deliverable and viable. He referred to a previous application in Measham where it was necessary to accept a commuted sum instead of affordable housing. He noted that although the legal agreement was in place, there was also reference in the update sheet to a commuted sum. He stated that there were all sorts of question marks which could all be dealt with by dealing with the applications concurrently.

It was moved by Councillor T Neilson and seconded by Councillor J Legrys that the application be deferred until the linked application at New Street was ready to be brought before the committee.

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The Head of Planning and Regeneration advised that it was not the case that the application was premature simply because of the possibility within the Section 106 obligation to link the application to another site that was not at the same stage as this one. He added that flexibility was built into the legal agreement in order to guarantee the affordable housing provision.

The Chairman then put the motion to defer the application to the vote. The motion was declared LOST.

Councillor J G Coxon moved that the application be permitted in accordance with the officer recommendation as set out in the report. This was seconded by Councillor G Jones.

Councillor J G Coxon stated that he had to agree with the officers that this was a standalone application at end of the day and it ticked boxes. He stated that this was a good site with affordable housing provision, and he did not really think there was a reason to refuse it.

Councillor G Jones stated that he was happy to support the officer recommendation in this instance. He added that there was a lot of good work going on in and around Measham and he felt this complemented the adjacent site. He considered that the proposals would be good for Measham.

Councillor J Legrys reiterated that members had to consider what was before them and in this case he felt that there was a great deal of uncertainty, especially in respect of affordable housing, as this site did not contain any. He stated that there were too many uncertainties and he was not convinced that any affordable housing would actually be provided. He concluded that he could not support the recommendation.

Councillor G A Allman asked Councillor T Neilson to clarify what he meant by inferring a backdoor deal and how he could qualify this.

Councillor T Neilson clarified that he had stated that the legal agreement seemed to be a bit of a backroom deal given that members had not been involved at all.

Councillor M Specht stated that he would be supporting the officer recommendation and he believed there were actually 2 affordable units proposed for this site, so he considered it misguided to say that there was none. He added that the aerial view photo shown as part of the presentation was presumably from Google Earth, as the photo was out of date and the adjacent area was now built up. He concluded that the site was not as isolated as it appeared, and was more an extension of the village envelope.

Councillor L Spence noted that the original application was for 34 dwellings, which had now been reduced to 26. He noted that the update sheet showed that the affordable housing element had increased in number to 27 units and there was still an aspect of affordable housing to be agreed. With this in mind, he asked what scope there was to increase the number of dwellings based on this.

The Chairman advised that the site area would not increase, but more 4 bedroom houses could be split to provide smaller units.

In response to a question from Councillor L Spence, the Head of Planning and Regeneration advised that any further increase in the number of dwellings would require a variation application undertaken by way of a formal process. He explained that this could theoretically be delegated to officers or called in by a ward member for consideration by the Planning Committee.

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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 Head of Planning and Regeneration.

123. A2

14/00931/FULM: ERECTION OF 28 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS AND PARKING

Former Depot Highfield Street Coalville Leicestershire LE67 3BL

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

The Senior Planning Officer presented the report to members.

Councillor J Geary, ward member, addressed the meeting. He stated that the use of the site for affordable housing had to be welcomed as there was little affordable housing in Snibston South ward, and this development would improve the situation greatly. He expressed concern regarding the layout of the site, adding that he would certainly have liked to see more bungalows. He commented that the minimum density required was 40 dwellings per hectare, and this development offered 54.9 dwellings per hectare, so the developer certainly would have been able to include more bungalows and still meet the minimum density requirement. He added that the siting of the dwellings was also contentious due to the proximity of existing bungalows. He stated that the bungalows would be deprived of natural light as the new houses would cast a shadow. He added that to make matters worse, the developers would also plant trees there which could grow taller than the houses and cast more shadow. He referred to the comments of the Council's Urban Designer who suggested the scheme needed further work. He commented that boundary treatments should be agreed in consultation with the local ward member and he hoped that could be arranged.

Mr J Roberts, the applicant's agent, addressed the meeting. He stated that the scheme would provide 100% affordable housing and the applicant had worked closely with officers and taken on board their comments and requests. He added that the design reflected existing dwellings, there were no protected species found on the site and no objections from the statutory consultees. He stated that the scheme was a direct response to the shortfall in affordable housing, and provided a housing mix that met the needs of the local community. He stated that sufficient parking provision had been made and there were no highways concerns. In respect of the bungalows, he advised that the plots had been moved and lowered in response to the concerns raised, and officers considered the proposals to be acceptable in terms of residential amenity. He concluded that the proposals represented housing for local people which was fitting within the constraints of the site. He respectfully urged members to support the officer recommendation and provide much needed housing for Coalville.

Councillor R Johnson stated that he had called in the application due to the overlooking impacts on the site from Zetland Close and the land levels. He added that he and Councillor J Geary had requested that two bungalows be put at the rear of the site and felt that bungalows were needed. He referred to the comments from the Urban Designer on page 47 of the agenda which indicated that there was still further work to be done in terms of design and he asked why the application was before members without this work being completed.

Councillor R Johnson moved that the application be deferred until the requisite work on the design was completed. This was seconded by Councillor R Adams.

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The Head of Planning and Regeneration advised that there were a number of amber indicators highlighted on page 47 of the agenda; however there was no objection from the Urban Designer as the design aspects could be secured by way of suitably worded conditions. He asked members to consider whether the proposals represented sustainable development of the site, or whether the issues were so unsatisfactory that they felt the application should not be determined today.

The Chairman then put the motion to defer the application to the vote. The motion was declared LOST.

It was moved by Councillor M Specht and seconded by Councillor G Jones that the application be permitted in accordance with the officer recommendation as set out in the report.

Councillor M Specht stated that he agreed with the comments regarding the bungalows. He commented that solar gain could save huge amounts on energy bills and he fully agreed that there should be a condition that there were two bungalows at that end of the site. He added that a landscaping condition could require a row of trees along this boundary. He referred to a row of trees in Coleorton which had been planted in close proximity to a row of dwellings, and the residents were up in arms about issues such as the height of trees, overshadowing and interfering with television reception. He stated that therefore he would like to see the condition regarding the hedgerow planting removed.

Councillor G Jones stated that he was happy to support the officer's recommendation. He commented that this was an ideal location for the housing needed in Coalville. He asked however that officers reconsider the square footage of what was being presented as there was an ideal opportunity to increase this.

Councillor J Legrys sought clarification as he believed that Councillor M Specht had moved a motion that had not been seconded to add a condition about the siting of the bungalows, and remove the condition relating to the hedgerow planting.

It was clarified that this was not a formal motion, but a wish list for the developer to note.

Councillor J Legrys moved an amendment to the motion that a condition be added to ensure that the dwellings at the top end of the site were bungalows, and the condition relating to hedgerow planting be removed. He commented that the site did need tidying up and the social housing was required, however he felt that it was necessary to be concerned about the neighbouring dwellings. He accepted that in the event of any development, someone would not be satisfied; however at the last Planning Committee meeting, the local member was given permission to negotiate with the developer regarding the orientation to one plot, which has proved successful. He also moved as part of his amendment that the plots near to Zetland Close be bungalows.

The Chairman asked members to bear in mind that in respect of the bungalows on Zetland Close, residents have asked for the concrete wall to be retained, and it would be quite dark in that corner in any case. He put it to members that they should refuse the application if they felt that a significant amendment was required.

Councillor J Legrys sought to raise a point of order in that a vote should be taken on the amendment.

The Legal Adviser clarified that in the event that an amendment to a motion was seconded, this would need to be voted on prior to dealing with the substantive motion.

Councillor R Johnson seconded the amendment put by Councillor J Legrys.

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The Chairman then put the amendment to vote.

The voting having been tied, the Chairman exercised his casting vote and the motion was declared LOST.

The Chairman then referred members to the substantive motion as set out in the report.

Councillor T Neilson commented that this affordable housing was desperately needed in Coalville. He added that for many years the allocation had been deteriorating due to problems getting developers to put enough in to these schemes. He added that the Council were providing funding also, and as such he was disappointed that members' views were not being taken into account regarding the layout. He concluded that he could not support the proposals due to overshadowing.

Councillor D Everitt stated that he was going to support this, however having viewed the aerial view of the development site, he was quite concerned about the proximity of the wall to the corner of the bungalow.

Councillor J G Coxon referred to the application permitted at the last meeting which was not dissimilar to this. He commented that there was no talk of wanting bungalows on the perimeter then, and the Committee was not being consistent. He felt that the application and officer recommendation should be supported.

Councillor L Spence stated that this was a very difficult decision for him personally as he came to the meeting truly open minded and could see the case that it would be overshadowing on Zetland Close. He added that he was also conscious of the need for affordable housing. He concluded that with all that in mind, he felt that the impact of the overshadowing needed to be weighed against the need for affordable housing in the town, and he felt that need was greater. Therefore he felt he must support the application.

The Chairman then put the motion to the vote. The motion was declared CARRIED.

RESOLVED THAT:

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

**124. A3
15/00063/FUL: DEMOLITION OF EXISTING FIRE STATION AND ERECTION OF A
NEW RETAIL UNIT WITH ASSOCIATED CAR PARKING, LANDSCAPING AND SITE
WORKS AND EXTERNAL LIGHTING**

Moira Fire Station Shortheath Road Moira Swadlincote Derby DE12 6AL

Officer's Recommendation: PERMIT

Having declared a pecuniary interest, Councillors J Legrys and L Spence left the meeting during consideration of this item and took no part in the debate or voting thereon.

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

Dr T Hyde, objector, addressed the meeting. He expressed concerns regarding loss of privacy, traffic volume, noise and residential amenity. He stated that the adjacent canal amenities were a great asset to the area and would be adversely impacted by the proposals. He added that footfall would increase, resulting in loss of privacy for residents. He stated that the traffic already caused a bottleneck, particularly at peak times. He referred to the other planned applications in the area. He stated that the proposals would

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be a magnet attracting people from the surrounding area, particularly at peak times, and there was no traffic data publicly visible from actual traffic studies. He commented that Moira furnace regularly held events and the traffic volume would become too high. He stated that he had witnessed many cars speeding down that road, and the risk of serious collision was greatly increased as visibility was restricted due to the road profile. He added that there was a lack of parking provision.

Mr E Sutton, the applicant's agent, addressed the meeting. He stated that in principle, it was felt that a convenience store was an appropriate use of the site. He added that all comments had been taken on board and the elevations had been enhanced, which was welcomed by the planning officer. He advised that planning permission was given for the use of the site, but the applicant was legally tied in with the Co-operative Group, who had a reputation for supporting local communities. He added that the proposals would offer employment, providing 3 posts. He felt it was fair to say that the new store would help provide for a sustainable community given the limited local amenities, and would offer the local community a far greater amenity. He advised that according to the highways consultant, there had only been 6 accidents on this stretch of road in the last 9 years, none of which involved pedestrians or children. He added that parking spaces had been provided and there would be no on road manoeuvring during deliveries.

Councillor J G Coxon moved that the application be permitted in accordance with the officer's recommendation. He felt this was a sustainable site and an ideal site for retail use. He added that the proposals would provide an amenity for the village, at a time when most villages were declining in amenity. He commented that he had no qualms supporting this application as it would make the village more sustainable.

The motion to permit the application was seconded by Councillor J Hoult.

Councillor T Neilson commented that this was a good application. He stated that his only concern was about the non-sequential approach being taken and if the other unit down the road was also to go ahead, it would be overkill. However he welcomed the design and stated that he would support the application.

The Chairman then put the motion to permit the application to the vote.

The motion was declared CARRIED.

RESOLVED THAT:

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

125. A4

15/01103/FUL: PROPOSED CONVERSION OF ATTACHED OUTBUILDING TO FORM ONE RESIDENTIAL DWELLING

19 Main Street Breedon On The Hill Derby DE73 8AN

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to members.

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

RESOLVED UNANIMOUSLY THAT:

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

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126. A5
15/00033/FUL: ERECTION OF A SINGLE STOREY FRONT EXTENSION
4 Gerrard Crescent Kegworth Derby DE74 2HQ

Officer's Recommendation: PERMIT

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

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

RESOLVED UNANIMOUSLY THAT:

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

Councillor S Sheahan left the meeting at 4.55pm.

Councillor J Geary left the meeting at 5.24pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.40 pm