

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 AUGUST 2015

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors J Geary and T J Pendleton

Officers: Mr C Elston, Mr J Knightley, Mrs A Lowe, Mr J Mattley, Mr J Newton, Mrs R Wallace and Ms S Worrall

31. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Bridges and N Smith.

32. DECLARATION OF INTERESTS

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

Councillor R Boam declared a pecuniary interest in item A4, application number 15/00451/FUL as the applicant; therefore he would leave the meeting during the consideration and voting thereon.

Councillor J Coxon declared a non pecuniary interest in item 6 – Receipt of advice in respect of application nos. 14/00769/OUTM and 15/00354/OUTM as a Member of Ashby Town Council.

Councillor R Johnson declared a non pecuniary interest in item A3, application number 15/00527/VCI as a Member of Hugglescote and Donington le Heath Parish Council. Also he would be addressing the Committee as a Ward Member; therefore he would leave the meeting during the consideration and voting thereon.

Councillor M B Wyatt declared a non pecuniary interest in item A1, application number 15/00227/OUTM as he was addressing the Committee as a Ward Member; therefore he would leave the meeting during consideration and voting thereon.

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

Item A1, application number 15/00227/OUTM

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, R Johnson, J Legrys, V Richichi, M Specht and D J Stevenson.

Item A2, application number 14/01132/FULM

Councillors G A Allman, R Boam, J Cotterill, D Harrison, J Legrys, M Specht and D J Stevenson.

Item A3, application number 15/000527/VCI

Councillors G A Allman, R Boam, J Cotterill, D Harrison, J Legrys, M Specht and D J Stevenson.

Item 6 – Receipt of Advice in Respect of Application Nos. 14/00769/OUTM and 15/00354/OUTM

Councillor J G Coxon.

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33. MINUTES

Consideration was given to the minutes of the meetings held on 23 June and 7 July 2015.

Councillor R Canny requested an amendment to be made to the minutes of the meeting held on 23 June 2015 under item 15 to include her concerns regarding the development being outside the limits to development and the reduction in the area of separation between the villages.

Councillor G A Allman requested on behalf of Councillor J Bridges that the following statement be inserted into the minutes of the meeting held on 23 June 2015 under item 13:

'In accordance with Section 17.1 of Part 4 of the Council's Constitution, Councillor J Bridges moved that the business be continued as it was not unusual for minutes to take more than two weeks to produce.'

RESOLVED THAT:

Subject to the above amendments, the minutes of the meetings held on 23 June and 7 July 2015 be approved and signed by the Chairman as a correct record.

34. 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.

35. **A1 15/00227/OUTM: PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 122 DWELLINGS (USE CLASS C3), RETAIL UNIT (UP TO 400 SQ M USE CLASS A1), ACCESS AND ASSOCIATED INFRASTRUCTURE (OUTLINE ALL MATTERS RESERVED)**

Land Off Greenhill Road Greenhill Road Coalville

Officer's Recommendation: Refuse

The Principal Planning Officer presented the report to Members.

The Development Control Team Manager read out the following letter received from Andrew Bridgen MP:

'I am writing to notify the Committee of several objections I have received regarding the above application. I would ask that all the concerns previously raised by the objectors to the proposed development are once again taken into account, especially the concerns of the Leicestershire and Rutland Wildlife Trust as this site is part of Charnwood Forest, and this application does represent significant encroachment into the Forest. I also believe there are questions surrounding highways and the risk of flooding to residents living in Kenmore Crescent.

I believe given the natural beauty of this area there are far more suitable areas around Coalville to open up to housing development and I would therefore ask that your Committee support the Planning Officer's decision in refusing this application.'

Councillor M Wyatt, Ward Member, addressed the Committee. He stated that he had lobbied to protect the site due to its natural beauty and was pleased that officers were also in agreement. He expressed concerns regarding the additional traffic the development

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would create on an already busy road especially as a development had recently been approved at a nearby site on the other side of the road. He also commented that the site was outside the limits to development and it was important to protect the countryside. He concluded that all Members could agree that on this occasion building on the proposed site was unacceptable.

At this point, as Councillor M B Wyatt had declared an interest in the item, he left the meeting and took no part in the consideration or voting thereon.

Ms J Tebbatt, objector, addressed the Committee and raised the following points:

- The proposed site was a Greenfield site, outside the limits to development.
- The development encroached on Charnwood Forest.
- The development would result in the loss of wildlife habitat which supported a huge variety of species.
- An adverse impact would be had on the environment
- The token offer of planting on the site was not sufficient.
- The Council had a housing land supply of over six years; therefore further development was not required.
- The published draft Local Plan identified preferred areas for development.
- There would be increased traffic congestion on the surrounding road network which would lead to the air quality exceeding the national limit.
- The proposed flood solutions were unacceptable.

She concluded that sites such as this one should be protected for the enjoyment of future generations and urged Members to refuse the application.

Mr L Lane, applicant, addressed the Committee. He reported that the number of dwellings had been reduced from the previous application and that there were no outstanding technical objections. He stated that he was aware that the housing land supply calculations used by the Council were not sufficient and this development would help towards increasing the numbers. He believed that the policies regarding building in the countryside were out of date and that the development was no different to the nearby David Wilson site. He confirmed that the Landscape Officer had no objections and asked members to disregard the objections regarding the illustrative design as the application was for outline matters. He also confirmed that he was happy to make the library and civic amenity contributions as referred to within the report.

The Head of Planning and Regeneration assured Members that the five year housing land supply was based on the Leicester and Leicestershire SHMA, which is calculated Countywide and that the figures were correct.

The officer's recommendation to refuse the application was moved by Councillor M Specht and seconded by Councillor J Legrys.

Councillor D Everitt commented that it was wrong for the applicant to compare the proposed site of development with the neighbouring development as they were very different. He expressed the importance of protecting the area as it was valued by local people. He believed that if the application was permitted, the Committee would be doing a great injustice to the area and the natural beauty.

Councillor R Adams thanked the objector for speaking well and declared that he was in support of the proposal to refuse the application.

The Head of Planning and Regeneration recommended that providing written notice was received from the applicant stating the acceptance of the suggested contributions to library and civic amenity as referred to in the address to Committee, recommended reason for refusal could be deleted.

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Head of Planning and Regeneration (save for the deletion of reason for refusal 3 subject to written confirmation from the applicant that it would pay the library and civic amenity contributions sought).

36.

A2

14/01132/FULM: DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF 188 DWELLINGS, B2 MANUFACTURING UNIT AND ASSOCIATED DEVELOPMENT INCLUDING VEHICULAR ACCESS, PEDESTRIAN AND CYCLE LINKS, PUBLIC OPEN SPACE, CAR PARKING, LANDSCAPING AND DRAINAGE

Slack And Parr Ltd Long Lane Kegworth Derby DE74 2FL

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

The Principal Planning Officer presented the report to Members.

The Head of Planning and Regeneration referred to the additional comments submitted by Kegworth Parish Council regarding open space and leisure facilities, children's play, traffic and parking, and the library. He reported that the applicant was happy to provide a contribution towards the zebra crossing; therefore the planning officers would negotiate this with the Highway Authority.

Ms H Tansley, Parish Councillor, addressed the Committee. She commented that the Parish Council wants Kegworth to be sustainable with enough local facilities and the proposed factory would employ people for the foreseeable future. She believed that the children's safety was important when accessing the playground so it was encouraging that the applicant agreed to contribute towards it. She expressed concerns regarding the lower than average figure for affordable homes within the development.

Mr D Bainbridge, agent, addressed the Committee. He explained that the application was a good example of a high quality mixed use development and was grateful for the support and advice provided by officers. He reported that there were no technical objections and referred to the benefits the development would bring which were listed on page 75 of the application. He commented that the developers had engaged with the Parish Council and held very productive meetings which had contributed towards the good application Members had in front of them.

The officer's recommendation to permit was moved by Councillor J Houlton and seconded by Councillor R Adams.

Councillor D J Stevenson commented that the Parish Councillor addressed the Committee very well as it could be very daunting. He expressed the importance of supporting the Parish Councils and in doing so he would like to move that the Section 106 Agreement be amended so that the police contributions be transferred to the Parish Council as he believed it would be better spent. It was seconded by Councillor J Legrys and agreed.

Councillor R Adams commented that he shared the Parish Council's disappointment regarding the low number of affordable housing but overall he was in support of the application.

Councillor D Harrison felt that it was a good application which provided homes and jobs, as well as keeping a local business in the area.

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Councillor J Coxon commented that he was pleased with the work that had been undertaken with the Parish Council as he felt it was important to have their involvement. He would like to see more of this joint working in the future.

Councillor V Richichi stated that he was pleased that we are listening to the people and that is the most important thing, and supported the development of Brownfield sites instead of countryside.

Councillor J Legrys commented that the fact there had been no objections to the application, proved that dialogue between developers and Parish Councils did work. He also stated that he was very happy with the transfer of Section 106 money to the Parish Council.

Councillor R Johnson referred to the Parish Council's request to place conditions on the hours of operation and asked if that was possible. The Head of Planning & Regeneration advised not to add such conditions as it would be very difficult to enforce and stray into the local planning authority taking an inappropriate role in how the business would operate.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, with the amendment to the Section 106 Agreement to the effect that the contribution of £12,859 to the police be instead made to Kegworth Parish Council for sports and recreation, and that it be delegated to the Head of Planning & Regeneration to negotiate a suitable crossing of Side Ley between the site and the play area opposite.

37.

A3

15/00527/VCI: REMOVAL OF CONDITIONS 6 AND 11 FROM PLANNING PERMISSION 14/00311/VCI IN ORDER TO ALLOW THE EXISTING SPORTS HALL TO BE ABLE TO PLAY AMPLIFIED MUSIC, AND TO ALLOW DOORS AND WINDOWS TO BE OPENED WHILST OTHERWISE IN USE

Newbridge High School Forest Road Coalville Leicestershire LE67 3SJ

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor R Johnson, Ward Member, addressed the Committee. He explained that since being elected in 2011 and being a Member of the Planning Committee he had always looked at the merits of applications and what was in the public's best interest, it was his opinion that this application had neither. As both a District and Parish Councillor, Councillor R Johnson had always supported the school and encouraged the applicant to engage with residents about everything the school was planning but on this occasion only minimal contact has been made. He reported that the school had admitted that it had breached the conditions already imposed on many occasions and as an authority, the Council should be protecting the resident's amenities no matter what and enforcing the conditions. Councillor R Johnson had experienced the noise disturbance personally due to living approximately a mile away from the school and had decided to approach the caretaker regarding the noise level. His main concern was the exposure to noise that the very young children had to endure. He asked Members to imagine what residents would have to cope with being in closer proximity of the facility. Residents had to tolerate high noise levels from the school facilities being used late at night when trying to enjoy their gardens. Councillor R Johnson referred to a resident who was a carer for his long term seriously ill wife who needs the quietness to recuperate; the amended conditions would make their lives hell. He also referred to another resident who slept in the afternoon until

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he started work in the early hours of the morning as a long distance HGV driver, his sleep was affected by the noise which put his life in danger whilst driving.

At this point, as Councillor R Johnson had declared an interest in the item, he left the meeting and took no part in the consideration or voting thereon.

Mr N Mann, noise assessor on behalf of the applicant, addressed the Committee. He explained that he had attended the site and undertaken a noise assessment while the noise was at maximum volume to calculate the most appropriate levels to ensure World Health Organisation guideline limits were not breached. This was what Members had before them. He confirmed that the facility would be used in the evening not at night time and that he had worked with the planning officers to agree on how to manage the situation to achieve an acceptable noise level.

At the request of Councillor D J Stevenson, the Senior Planning Officer confirmed that the recommended hours of operation to be 8.00am to 9.00pm Monday to Friday, 8.00am to 7.00pm Saturdays and 9.00am, to 4.00pm on Sundays and Bank Holidays. During these times the windows and doors were to be closed.

Councillor G Jones moved the officer's recommendation to permit and it was seconded by Councillor D Harrison.

Councillor D Everitt commented that it was good to see the facilities being used to its full potential and he had benefited from facilities such as this all his life.

Councillor J Legrys commented that as a neighbouring Ward Member, he was aware that the school had not been a good neighbour over the years and he shared Councillor R Johnson's concerns. The residents currently had to put up with unauthorised noise levels and vehicles parking badly in the surrounding area, blocking drives. He believed that if the application was approved it would result in a high number of complaints. He also commented that the noise assessment was not undertaken in reality but at a desk using software. He asked Members to imagine not being able to use their gardens in an evening due to the noise levels. He understood that schools needed to diversify but letting an independent body use the facilities to run events was not the way to do it. He asked that if the application was permitted, would it be possible to add a 6 month trial period to it.

Councillor V Richichi stated that he could not vote against the application as he was responsible for playing loud music at times but he believed maybe the removal of using the facilities on a Sunday might be appropriate.

Councillor R Canny commented that the school had a fantastic facility and as they could not even put a CD player on at the moment, she could understand the need for the application. She could also understand the concerns of the residents and agreed with the suggestions to remove Sundays from the conditions. She also suggested removing Bank Holidays.

Councillor M Specht reported that the Parish Council objected to the application and had requested the conditions be placed on school hours and during term time only. As the Parish Council had not been supported, he would not be voting in support.

Councillor D Harrison believed in dual use of schools and liked the idea of the noise limiter. He agreed with permitting the application for a trial period, but felt that six months was too short, twelve months would be more appropriate.

Councillor R Adams stated that he valued people's quality of life and therefore moved the amendment to the conditions to remove Sundays and Bank Holidays and permit for a trial period of twelve months. The meeting signified its assent to the proposed amendment.

The Senior Planning Officer assured Members that the noise assessment was undertaken at the facility and was not a desk exercise.

The Chairman put the proposed amendment to the vote and it was agreed.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, with an amendment to condition 4 to delete Sundays and Bank Holidays, and for the permission to be for a trial period of twelve months.

**38. A4
15/00451/FUL: ERECTION OF A DETACHED DWELLING ALONG WITH ASSOCIATED GARAGE**

Oak Tree Stables School Lane Newbold Coalville Leicestershire LE67 8PF

Officer's Recommendation: PERMIT

Having declared a pecuniary interest, Councillor R Boam left the meeting and took no part in the consideration or voting thereon.

The Development Control Team Manager presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Legrys and seconded by Councillor R Adams.

RESOLVED THAT:

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

39. EXCLUSION OF PRESS AND PUBLIC

The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.

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.

40. RECEIPT OF ADVICE IN RESPECT OF APPLICATION NOS. 14/00769/OUTM AND 15/00354/OUTM

The Principal Planning Officer presented the report to Members.

RESOLVED THAT:

Option 2, and option 3 in part, be agreed as the next steps to be taken as detailed within paragraph 3.1 of the report.

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The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.25 pm