

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 JANUARY 2016

Present: Councillor J Bridges (in the Chair)

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

In Attendance: Councillors F Fenning, J Geary and T J Pendleton

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

#### **84. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D J Stevenson.

#### **85. DECLARATION OF INTERESTS**

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

Councillor R Boam declared a non pecuniary interest in item A4, application number 15/00958/FUL and item A5, application number 15/00/727/FUL as an acquaintance of both applicants.

Councillors J Cotterill and M Specht declared a non pecuniary interest in item A4, application number 15/00958/FUL as members of Coleorton Parish Council.

Councillor J Hoult declared a non pecuniary interest in item A5, application number 15/00727/FUL as an acquaintance of the applicant.

Councillor V Richichi declared a pecuniary interest in item A2, application number 15/00992/OUT as his property was mentioned throughout the report.

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

Item A1, application number 15/00717/VCI  
Councillor J Legrys

Item A2, application number 15/00992/OUT  
Councillor N Smith

Item A4, application number 15/00958/FUL  
Councillor N Smith

#### **86. MINUTES**

Consideration was given to the minutes of the meeting held on 1 December 2015.

Councillor R Johnson requested that the minutes be amended to include the following comments that he had made in relation to minute number 79.

“As a point of clarification, of Councillor Specht’s personal experiences, I informed the Committee that the unit was in fact a sanatorium and that there were hundreds of these units throughout Europe. Of Councillor Smith’s remarks that the site would be the first in

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the country I also informed the Committee that there were over 80 of these facilities throughout the United Kingdom.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

RESOLVED THAT:

The minutes of the meeting held on 1 December 2015 be approved and signed by the Chairman as a correct record, subject to the inclusion of the above wording.

## 87. 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.

The Chairman advised Members that item A3, application number 15/00204/FUL had been withdrawn from the agenda.

## 88. A1

**15/00717/VCI: VARIATION OF CONDITIONS 3, 6 AND 11 OF PLANNING PERMISSION APP/G2435/A/11/2163658 TO INCREASE THE NUMBER OF CARAVANS FROM THREE TO EIGHT, ALL OF WHICH CAN BE STATIC MOBILE HOMES, AND TO AMEND THE SITE LAYOUT TO SITE THE EIGHT CARAVANS AND PROVIDE A DRIVE WAY AND PARKING AND TURNING AREA AND AN ALTERNATIVE LANDSCAPING SCHEME AND RETAIN THE EXISTING ACCESS**

Land Adjacent To 81 Shortheath Road Moira Swadlincote Derby DE12 6AP

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

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

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

Councillor M Specht stated that he had seconded the application with reluctance and he felt that the report made interesting reading. He highlighted that it was thought that the site would lead to a 160% increase in traffic volume however this had not been picked up by Highways. He drew Members attention to the statement that the District had a shortfall of 27 pitches and by supporting the application it would help to alleviate the issue and help a minority group integrate into the area. He expressed concerns that some of the letters of objection could be seen as discrimination and suggested that they be forwarded to the Police.

Councillor R Johnson felt that the authority required a Traveller Liaison Officer to oversee the need and development of traveller sites.

Councillor J Bridges stated that a proposal similar to this had been put forward at the Local Plan Advisory Committee for consideration.

Councillor G Jones stated that he was unhappy that a previous application for two dwellings on the site had been refused and sought an explanation as to how the nomadic lifestyle of the occupants would impact on council tax and the local schools

The Head of Planning and Regeneration advised Members that council tax and valuation were not planning matters and that due to the scale and specific circumstances of the proposal, given that only one family member was of school age it was not considered to have a significant impact on the local schools.

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Councillor J Legrys stated that quite a long discussion had taken place on understanding the application as he had found the report difficult to read and comprehend and he sought clarification on how the statement not ceased nomadic lifestyle had been tested and why potential space on private sites within or outside the District had not been considered.

The Planning and Development Team Manager advised that in relation to refusal on Policy S3 advice had been taken from the County Traveller Sites and Liaison Officer that some of the family worked away using touring caravans, that were stored on a separate site, and a permanent base was required for the other members of the family. In relation to space at other sites within the District he advised that this had not been tested, but in dealing with previous appeals for gypsy and traveller sites the Planning Inspector would only ask for evidence of what Local Authority sites were available. It was also taken into consideration that the application in front of Members would allow the existing family to provide additional accommodation for their growing family together and this was acceptable.

Councillor J Legrys raised concerns over how the site could be considered for static homes when the report clearly stated that proposed occupants had not ceased their nomadic lifestyle.

In response to Councillor J Legrys, the Planning and Development Team Manager stated the proposed static caravans fell within the statutory definition of a caravan found in the Caravan Sites and Control of Development Act 1960 as supplemented by sec. 13 of the Caravan Sites Act 1968 and that following the discussions with the County Liaison Officer it had been noted that pitches were not always guaranteed on private sites and the application before them was to be used by extended family only.

Councillor J Legrys stated that as a Member of the Local Plan Advisory Committee the application exemplified the need for a municipal site to overcome the need. He accepted that the Authority by law needed to make sites available for minority groups, however the local communities found it difficult to understand that. He advised that he felt the Committee had no option but to approve, and therefore he would reluctantly be voting in favour of the application, but felt that there needed to be a better understanding of the rules when a permanent house could be refused but static mobile homes could be permitted.

Councillor V Richchi felt that the inconsistency in permitting applications was why the Planning Committee had so much criticism and that he found it hard to understand why a dwelling was refused and a traveller's site could be permitted.

Councillor J Bridges reminded Members that the rules on approval of applications were not made up by the Local Planning Authority but was legislation that had been passed by Government.

The Head of Planning and Regeneration stated that the previous application for the existing static homes had originally been refused by the Committee and allowed at appeal.

Councillor J Bridges requested a recorded vote.

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

For the motion:

Councillors R Adams, R Boam, R Canny, J G Coxon, D Everitt, D Harrison, R Johnson, J Legrys, and M Specht(9).

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Against the motion:

Councillors G A Allman, J Bridges, J Cotterill J Houlst, G Jones, V Richichi, N Smith and M B Wyatt(8).

Abstentions:

None(0).

RESOLVED THAT:

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

89.

**A2**

**15/00992/OUT: DEMOLITION OF EXISTING FIVE NO. POULTRY HOUSES AND ASSOCIATED FEED SILOS AND ERECTION OF THREE DETACHED DWELLINGS (OUTLINE - ACCESS, LAYOUT AND SCALE INCLUDED)**

Poultry Farm Normanton Road Packington Leicestershire

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

Having declared a pecuniary interest in item A2 Councillor V Richichi left the meeting and took no part in the consideration and voting thereon.

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

Mr C Miles, Parish Councillor, addressed the Committee. He advised Members that Packington Parish Council believed that the development site was agricultural land, which could not be built on and was outside the Limits to Development adding that permitting the development would open the door to further applications. He informed the Committee that the road was notorious for speeding and the access was not safe with very poor visibility. He stated that no provision had been made for the public right of way and that the development would destroy the Countryside. He urged the Committee to refuse the application.

Mrs Fleetham, applicant, addressed the Committee. She advised the Members that the family had lived in Packington for ten years, with their current home backing on to the site and that it was proposed to build a bigger family home and then two smaller homes for their two daughters. She highlighted that the site was industrial in appearance and that by removing the current buildings the development would improve the view into the village. She informed Members that as an owner of dogs she was a regular user of the footpath and that they had no intention of building more than three dwellings adding that they would be willing to sign a legal agreement to that effect. She urged the Committee to consider the application on its own merits and support the recommendation to permit.

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

Councillor N Smith stated that it was a difficult application which had caused concern with the Parish Council and requested that a meeting take place between the Director of Services and the Parish Council to resolve issues surrounding a plan. He advised that the village did not want ad hoc developments and that the Committee should consider a deferment so that a plan could be formulated.

Councillor J Legrys felt that it was an excellent application and it was a route that he travelled quite often and always thought that it was an eyesore. He said that the buildings could be demolished and the land returned to Greenfield. He added the land had value

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and the family wanted to build their dream home to stay together. He stated that it was not a big development which would mean less traffic, that there should be more encouragement for these applications and there was no need for the family to sign an agreement on the number of houses built.

Councillor J Bridges stated that should any further applications be submitted in the future they would be considered separately.

Councillor G Jones felt that the application was a breath of fresh air stating that farms were decreasing and the new homes were needed to support villages adding that the application looked like a quality development of which he was all in favour of.

Councillor M Specht stated that he could remember the site from his youth and it had always been an eyesore. He highlighted that if the application was refused then a new application to utilise the existing buildings could be submitted for industrial units which would mean large lorries using the surrounding roads.

RESOLVED THAT:

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

Councillor V Richichi returned to the meeting.

**90. A4  
15/00958/FUL: ERECTION OF A DETACHED DWELLING WITH ASSOCIATED  
DETACHED SINGLE GARAGE**

Land At Bakewells Lane Coleorton Leicestershire

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the Committee. He advised the Members that the application would not cause a significant increase to the traffic movements in the area. He informed Members that there were no grounds to refuse the application on sustainability as the village offered eight services, which residents made full use of and that new homes were required, which the application attempted to respond to.

Ms B Heathcote, applicant, addressed the Committee. She advised the Committee that she had been raised in the village and had lived in the village for twelve years with her own family. She informed the Members that due to unforeseen circumstances the family had moved out of their home and had been forced to move several times since as a consequence of having to live in rented accommodation to be able to stay close to extended family. She urged the Committee to permit the application and that their decision would totally change their lives.

Councillor J Legrys moved a recommendation to permit the application. It was seconded by Councillor N Smith.

Councillor M Specht stated that the Parish Council was consistent in seeking refusal of applications outside the Limits to Development and did not comment on ones within the Limits. He stated that the significant traffic accidents were on the A512 and traffic for the public house used the lane all week, adding that there was an hourly bus service that ran past the end of the road. He highlighted in reference to sustainability that many people ordered shopping on-line and that he was in favour of supporting the application.

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Councillor G Jones stated that he was happy to endorse the application as it was in an ideal location.

Councillor D Everitt stated that as villages lost vital services the argument of sustainability was getting weaker.

Councillor J Legrys stated that the Committee had approved applications earlier outside the Limits to Development to keep families together and the application in front of them was no different. He highlighted that some villages were concerned over the demise of services and that this village offered extremely good services and road links. He expressed his concern over the officers' opinions and stated that he was in favour of the application.

Councillor V Richichi stated that the application would have no adverse effect on life or locality and that because of a lack of objection from the public, he would be voting in favour of the application.

Councillor J Hoult stated that building dwellings such as the one in front of them would help to keep the local schools open.

Councillor J Bridges stated that he understood where Members were coming from, but officers had to interpret the legislation.

RESOLVED THAT:

The application be permitted and the wording of the conditions and decision notice be delegated to the Head of Planning and Regeneration.

**91. A5**  
**15/00727/FUL: ERECTION OF A DETACHED TWO-STOREY DWELLING WITH ASSOCIATED OFF-STREET PARKING**  
 Land Adjacent To 94 Moor Lane Coleorton Coalville Leicestershire LE67 8FQ

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr S Wilcox, agent, addressed the Committee. He advised the Members that there was a justified need for the development as there were no suitable building sites within the Limits. He highlighted that the local services were all within a reasonable distance and the applicant intended to use local sub contractors to do the work. He urged Members to support the application due to the social and economic benefits that it would bring to the area.

Councillor R Boam moved a recommendation to permit the application. It was seconded by Councillor J Cotterill.

Councillor J Hoult advised that he knew the family and that there was a clear need for local housing in this instance as the farmer was 80 years old and his son, who would live in the property, had to travel from Coalville to assist on the farm.

Councillor R Canny stated that the Committee was often asked to consider developments outside the Limits to Development by weighing up on balance the benefits and that on balance with this application there was a family need with transport and that it was a

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single dwelling and therefore she would be voting in favour of the application.

Councillor J Legrys stated that he had sat on the Committee for some time and it was the first time that he could recall genuine local needs adding that he would like to see more applications where local people self build homes to ensure that families stayed together.

Councillor J Coxon stated that he agreed with Councillor J Hoult and that the building would not look out of place, adding that if small developments such as the one before them were not built small villages would die. He supported the application.

RESOLVED THAT:

The application be permitted and the wording of the conditions and decision notice be delegated to the Head of Planning and Regeneration.

**92. TO CONSIDER CONFIRMING A TREE PRESERVATION ORDER AT 29 LONDON ROAD, KEGWORTH**

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 THAT:

The TPO be confirmed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.50 pm