

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 JUNE 2016

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors T Gillard, S McKendrick and T J Pendleton

Officers: Mr C Elston, Mr J Mattley, Mr R McKillop, Mr A Mellor, Mrs M Meredith, Mr J Newton and Ms S Odedra

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Harrison, R Johnson and M B Wyatt.

Councillor M Specht requested that a letter be sent from the Council to Councillor D Harrison sending best wishes from all members of the Committee.

2. DECLARATION OF INTERESTS

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

Councillors R Adams, R Boam, J Bridges, R Canny, J Clarke, J Cotterill, J Geary, J Hoult, G Jones, J Legrys, N Smith, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A1, application number 16/00070/FULM.

Councillors R Adams and D Everitt declared a non-pecuniary interest in respect of item A1, application number 16/00070/FULM as members of Whitwick parish council.

Councillor J Legrys declared a non-pecuniary interest in respect of item A1, application number 16/00070/FULM as a member of Leicestershire and Rutland Wildlife Trust.

Councillors R Adams, R Boam, D Everitt, J Hoult, G Jones, J Legrys, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A2, application number 16/00352/FUL.

Councillors M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A3, application number 16/00428/FUL.

Councillors R Adams, R Boam, R Canny, J Clarke, J G Coxon, D Everitt, J Geary, J Hoult, J Legrys, V Richichi, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A4, application number 16/00372/FUL.

Councillor R Boam declared a pecuniary interest in item A6, application number 16/00413/VCI as the applicant.

3. MINUTES

Consideration was given to the minutes of the meeting held on 10 May 2016. It was moved by Councillor J Legrys, seconded by Councillor J Bridges and

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RESOLVED THAT:

The minutes of the meeting held on 10 May 2016 be approved and signed by the Chairman as a correct record.

4. 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.

5. 16/00070/FULM: ERECTION OF 28 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND VEHICULAR ACCESS

The Principal Planning Officer presented the report to members.

Councillor T Gillard, ward member, addressed the Committee. He made reference to the attractiveness of the site. He stated that he totally agreed with the officer's recommendation and added that there were endless reasons to refuse the application including a high number of objections, increased traffic and the visual impact upon the attractive countryside. He urged members to support the officer's recommendation and refuse the application.

Mr L Spence, parish councillor, addressed the Committee, stating that Whitwick parish council had long objected to this development which was located in a beautiful part of the village, as they strongly believed the development would be incompatible with the rural nature of the setting. He commented that he was reassured by the officer's recommendation to refuse the application as the site was clearly outside the Limits to Development and was set in an area of particularly attractive countryside. He added that the site was rich in flora and fauna, and was valued by the residents of Whitwick. The county ecologist noted that the site included species rich grassland, and Leicestershire and Rutland Wildlife Trust had objected to the application. He stated that the proposals would be significantly harmful to the character and appearance of the surrounding area and would also form a strong precedent for future proposals seeking further incursion into the countryside. He felt that given its location on the extreme edge of the village, the proposal was unsustainable as there were no bus services or shops. He referred to the serious local concern in respect of water run-off and flooding and added that it should be no surprise that over 700 representations had been made by local people. He added that this level of concern did not have a common precedent. He concluded that this development was wrong for the site and he asked members to refuse it.

Mr S Lewis-Roberts, agent, addressed the Committee. He stated that the application site was located in greater Coalville and represented sustainable development. He added that there were no technical objections from the statutory consultees. He stated that it was evident that the benefits of the proposals outweighed the limited adverse impacts. He referred to a letter of support from Jeremy Cahill QC which outlined benefits and stated that the Council could not demonstrate a 5 year housing land supply and officers recognised that weight could not be attributed to Policy E22; therefore the reason for refusal sought to rely on Policy E4, which was design based, and the proposals clearly accorded with this policy. He added that the development had been subject to a Building for Life 12 assessment which had concluded that the proposals accorded with Policy E4. He stated that it was considered that the site made a positive contribution to the character and appearance of the countryside and the surrounding landscape and therefore there was no basis to rely on Policy E4 as a reason for refusal. He made reference to the large housing developments which had already been permitted in close proximity to this site which had a greater adverse impact on the local landscape. He concluded that there was no objective basis to justify the recommended reason for refusal, and the proposals would

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address the Council's lack of a 5 year housing land supply and accordingly should be permitted.

It was moved by Councillor R Adams and seconded by Councillor D Everitt that the application be refused in accordance with the officer's recommendation.

Councillor D Everitt stated at it was clear that any encroachment into the site would be the start of greater encroachment. He felt that the application was not needed and was not necessary. He made reference to the flooding concerns and felt that it was madness to site another estate on the hill. He expressed support for the officer's recommendation.

Councillor J Legrys requested a recorded vote.

The Chairman then put the motion to the vote.

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

For the motion:

Councillors R Adams, R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, J Houlton, J Geary, J Legrys, N Smith, M Specht and D J Stevenson (13).

Against the motion:

Councillors J Bridges, G Jones and V Richichi (3).

Abstentions:

None (0).

It was therefore

RESOLVED THAT:

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

6. 16/00352/FUL: ERECTION OF THREE DWELLINGS WITH ASSOCIATED OFF-STREET PARKING AND GARAGES

The Senior Planning Officer presented the report to members.

Mr S Haggart, objector, addressed the Committee. He stated that he represented many residents of Coleorton who were baffled why this application was not recommended to be refused. He added that the vast majority of supporters did not live in the village. He made reference to the earlier application which was permitted on the proviso that it would act as a bookend on Lower Moor Road, signifying an end to further development. He felt that it could not now be argued that this application should be permitted as it was at the other end of the road, as this would make a mockery of the previous decision. He added that the site was in open countryside in an unspoilt meadow and contrary to Policy E1 of the adopted local plan which sought to prevent sporadic ribbon development. He stated that the proposals would have a detrimental effect on the unique rural character of the village, destroying its open aspect, and negatively impacting upon the rural amenity enjoyed by its residents. He felt that the proposals were contrary to Policies E18, PPG15, HS4 and S3 and the site was outside the Limits to Development. He added that it was common knowledge it could now be demonstrated that there was sufficient housing and there was no justification for granting the application and allowing further erosion of the countryside. He felt that the application must be refused to ensure the protection of small villages from unnecessary development. He urged members to refuse the application.

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Mr A Large, agent, addressed the Committee. He pointed out that the application had been called in to the Committee due to his relationship with a serving member. He stated that in his opinion, the proposals would act a continuation of the existing built forms and would be built to a high standard. The new homes would be individually designed, opposite a new dwelling that was immediately opposite the site. He added that the houses would provide family homes in a desirable location at the sustainable end of Coleorton. With reference to the comment made by the objector about the previous application acting as a bookend, he felt that this was specific to that site and in conjunction with the adjoining site being a nature reserve, and was therefore out of context in his opinion. He asked members to follow the officer's recommendation.

Following a question from the Chairman, the Planning and Development Team Manager offered clarification to members regarding the comments relating to the bookend issue, that the two sites referred to were different, and the proposed nature/ecological area was intended to be a bookend to that particular development to prevent further development on that side of Lower Moor Road, and not in Coleorton altogether.

Councillor R Boam moved that the application be refused as it was located outside the Limits to Development, was in open countryside and was outside the proposed limits to development in the draft local plan. The motion was seconded by Councillor R Canny.

Councillor R Boam stated that he believed this would open the floodgates for the whole road as it would leave a gap in between. He added that the site was outside the limits to development and in open countryside.

Councillor R Canny stated that the design of the houses looked really good, and that she would be happy for them to be built. However she expressed concerns about parcels of land disappearing in Coleorton and the open nature of the village being severely hampered. She added that this could lead to ribbon development which was not appropriate.

Councillor D Everitt endorsed the comments made, adding that it was a greenfield site.

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

Councillor J Bridges moved that the application be permitted in accordance with the officer's recommendation. This was seconded by Councillor J Legrys.

Councillor J Clarke commented that the hedgerow was very attractive and sought assurances that this would be retained. He queried whose responsibility it was for the hedgerow to be maintained.

The Head of Planning and Regeneration advised that the retention of the hedgerow was a recommended condition in the event that planning permission were to be granted, and confirmed that it would be the responsibility of the hedge owners to maintain it.

Councillor M Specht expressed support for the officer's recommendation. He added that he was satisfied that the development was socially and economically sustainable and endorsed the officer's report.

Councillor D J Stevenson made reference to nearby applications which had already been permitted.

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

It was therefore

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RESOLVED THAT:

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

7. 16/00428/FUL: ERECTION OF A TWO STOREY DETACHED DWELLING

The Senior Planning Officer presented the report to members.

Mr A Large, the agent, addressed the meeting. He stated that the development would see a local tradesman build his own home. He advised that the proposal was for a modest 3 bedroom dwelling and the siting would allow the occupier to use many of the estate roads. The proposed occupier had worked on the Staunton Harold estate for 25 years, and currently commuted a long way. He added that the occupancy restriction of the property would address any sustainability concerns. He asked members to support the officer's recommendation.

Councillor J Bridges moved that the application be permitted subject to a Section 106 agreement. This was seconded by Councillor J Hoult.

Councillor J Legrys stated that he was somewhat surprised that the proposed development was in such a constrained site, and would amount to backland development. He expressed doubts about maintaining the tenancy to the Staunton Harold estate in perpetuity. He expressed concerns regarding the internal layout of the road network, the location, the access onto Nottingham road and the parking of cars over a cesspit. He felt that there may be better locations within the estate and that this looked like a squeezed in application and concluded that he could not vote in favour of the application.

Councillor D Everitt expressed concerns that a person's home would be dependent upon their job, and he believed that such tenancies had been outlawed years ago.

Councillor D J Stevenson stated that the application site was nearly an acre of land. He said that it was a good idea to be able to get to work without having to use the county highway roads. He welcomed the proposal.

Councillor J Clarke felt that work would have to be done to the road as it was quite narrow and would not be accessible to larger vehicles.

Councillor J Bridges stated that the width of the road was not a consideration and there were roads in Coalville of a similar width, so this was not unusual. He clarified that the highway authority was happy with the proposal. Many philanthropic homes had been built in the past, such as by Cadbury, and that this should be welcomed. He felt that there was plenty of room to build a house on the plot, and confirmed that there were many examples where septic tanks were built over. He stated that he was not keen on back land development, however here it was to be done sensitively. He felt that the application should be supported.

The Chairman then put the motion to permit the application to the vote and the motion was declared CARRIED

RESOLVED THAT:

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

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8. 16/00372/FUL: ERECTION OF THREE TERRACED DWELLINGS AND A TRIPLE GARAGE BLOCK

The Principal Planning Officer presented the report to members.

Mr K Middleton, applicant, addressed the meeting. He felt that the application should be granted as he had liaised effectively with the planning department, highway authority and Ward Member, and had addressed the concerns raised throughout the process. He outlined the separation distances which were similar to other recent applications and would not be overbearing. He added that the windows had also been positioned strategically to prevent any overlooking. He contended that the Ward Member had objected to the Bloor scheme opposite because of a lack of affordable housing, and queried why the Ward Member did not support this application. He explained that the properties would be extremely attractive to first time buyers and he made reference to the lack of affordable housing in the area. He added that the junction was already greatly used, there were no objections from the Highways Authority and there had never been an accident due to lack of visibility, and therefore there was no reason to refuse the application on the grounds of highway safety. He concluded that the proposals would enhance the area massively and provide much needed starter homes.

It was moved by Councillor D J Stevenson, and seconded by Councillor J Legrys, that the application be refused on highway safety grounds as the access did not meet the required standards in respect of visibility when cars were parked in the parking bays.

Councillor D J Stevenson expressed concerns regarding visibility at the proposed access. He felt that the development would make this junction more dangerous than it was at present, because to exit the junction, drivers would need to pull out into traffic. He further considered that at least two vehicles per new home proposed by the application would make the existing dangerous situation even more dangerous.

Councillor J Geary corrected Mr Middleton's statement that he had publicly stated that he was opposed to the application. He explained that when the plans were first submitted, he did show concern at the close proximity to neighbouring dwellings and these concerns had been addressed. He added that he had no objection in principle to development on this site, however he expressed concerns about the proposals casting a shadow over existing houses in the late afternoon. He also expressed concern regarding the access onto Standard Hill, as he felt this was dangerous, and the Highways Authority did not seem to take on board the comments made. He added that there was a history of accidents on that junction and he would not like to feel any way responsible for causing accidents in future. He further stated that if traffic moved at the speed limit then there would not be a problem but this was not the case.

Councillor J Bridges expressed concern that he thought the Council would lose at appeal if the application were to be refused.

Councillor V Richichi stated that he visited the shop fairly regularly and used the proposed access. He felt the proposal would make little difference to the access and egress, and the road could not be blamed for driver error or speed. He stated that he would support the officer's recommendation.

Councillor G Jones stated that he had also used the store on a regular basis. He felt this was a good development and was needed. He opined that the road could be busy, so under those conditions people should drive with caution. He expressed support for the officer's recommendation.

Councillor D Everitt felt that the junction needed to be put right, including bollards and parking arrangements, before the development could proceed. He considered that the reports about accidents were almost certainly correct.

Councillor J Legrys stated that he was a regular user of Standard Hill. He referred to the police announcement on social media that they were very concerned about the speed of traffic on Standard Hill and monitoring was being increased. There had been a fatality nearby. He expressed deep concerns with the state of the junction as visibility was zero, particularly when a large vehicle was parked.

Councillor M Specht endorsed the comments made by Councillor J Legrys and added that there was no visibility at the junction unless the parking bays were empty, and if parking bays were occupied then road users would have to nose out into fast moving traffic. He stated that he could not support a proposal that could risk a potential future occupier being killed or seriously injured.

Councillor J Geary requested a recorded vote.

The Chairman then put the motion to the vote. A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, R Boam, R Canny, J Clarke, J Cotterill, D Everitt, J Hoult, J Geary, J Legrys, N Smith, M Specht and D J Stevenson (12).

Against the motion:

Councillors J Bridges, J G Coxon, G Jones and V Richichi (4).

Abstentions:

None (0).

It was therefore RESOLVED THAT:

The application be refused on highway safety grounds due to the access not meeting the required standards in respect of visibility when vehicles were parked in the parking bays.

9. 16/00287/FUL: FORMATION OF SLURRY LAGOON AND EARTH BUND

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

It was moved by Councillor D J Stevenson, seconded by Councillor J Bridges and

RESOLVED THAT:

The application be deferred.

10. 16/00413/VCI: VARIATION OF CONDITION 4 OF PLANNING PERMISSION 15/00387/FUL FOR THE CHANGE OF USE TO A TIMBER YARD AND CONSTRUCTION OF OFFICES AND STORAGE BUILDING IN ORDER TO ALLOW FOR THE DISPLAY OF SHEDS ON THE SITE

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

The Planning Officer presented the report to members.

The Planning and Development Team Manager recommended that condition 7 be

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amended to ensure the parking scheme would be implemented within one month of the planning permission.

It was moved by Councillor D J Stevenson, seconded by J Bridges and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, to include the amended condition 7 in respect of parking provision.

Councillor T J Pendleton entered the meeting at 5.15pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.45 pm