

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 6 SEPTEMBER 2016

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

In Attendance: Councillors T J Pendleton

Officers: Mr C Elston, Mr A Mellor, Mr J Newton, Miss S Odedra and Mrs R Wallace

#### **34. APPOINTMENT OF CHAIRMAN**

In the absence of the Chairman and Deputy Chairman the meeting was opened by the Head of Planning and Regeneration, and Members were invited to appoint a Chairman for the remainder of the meeting.

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

RESOLVED THAT:

Councillor M Specht take the chair for the remainder of the meeting.

#### **35. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Adams, J Bridges, V Richichi, N Smith and D J Stevenson.

It was agreed to send Councillor D J Stevenson a get well soon card on behalf of the Committee.

#### **36. DECLARATION OF INTERESTS**

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

Councillor M Specht declared a non pecuniary interest in item A5, application number 16/00612/OUT as he had worked with the applicant in the past.

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

Item A1, application number 15/00966/VCUM  
Councillors R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, P Purver, M Specht and M B Wyatt.

Item A2, application number 16/00568/FUL  
Councillor J Legrys.

Item A3, application number 16/00558/OUT  
Councillors R Boam and G Jones.

#### **37. MINUTES**

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

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

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RESOLVED THAT:

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

### **38. 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.

### **39. A1 15/00966/VCUM: VARIATION OF CONDITION 2 TO 13/00183/FULM TO AMEND HOUSE AND GARAGE TYPES IN ADDITION TO LANDSCAPING, BOUNDARY TREATMENTS AND LEVELS**

Land Off Measham Road Moira Swadlincote Derby DE12 6AA

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

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

Town Councillor S McKendrick, Chair of Ashby Woulds Town Council, addressed the Committee. She explained that the local residents had a number of concerns which she addressed in turn. The proposed increase in roof levels would intrude on the privacy of the neighbouring gardens due to overlooking. The risk of flooding was also an ongoing concern as water levels were often high in the area, especially since the development had begun and this was well documented. Gardens and service roads had been flooded recently on three separate occasions and it seemed that the developer was not doing anything to ease the problem. Councillor S McKendrick stated that there had been no consultation with the local residents by the developer and there was a fear that there would not be any kind of consultation in the future. She acknowledged that there was no obligation on the applicant to do so, but felt that if residents had been consulted then a better solution could have been found.

Mr R Redfern, objector, addressed the Committee. He believed that the increased floor levels were adopted without thought of the impact to the flood risk and the height increase was unsympathetic to the surroundings as well as overlooking the neighbouring properties. He also believed that the proposal contravened a number of planning policies and the developers had not followed national guidelines regarding flood risks. He added that in the past, flood water had been so severe that it required a pump to run 24 hours per day for 6 months to disperse the water. He suspected that the increase in floor levels was as a result of the flood risk and not to meet building regulations as proposed. He was of the view that the flood risk assessment undertaken in 2016 should be made void and that a new assessment should be undertaken. He also explained that the development would have a detrimental impact on resident's right to quiet enjoyment of their property and urged Members to refuse.

Mr P Stone, agent, addressed the Committee. He reported that the scheme had evolved over a number of years and had full planning permission which could not be reversed, this included drainage systems and other agreed conditions. He added that the flooding risks and drainage scheme had been subject to a robust assessment and subsequently approved by the Environment Agency. Regarding the floor levels, he insisted that the increase was to meet building regulations and was merely a slight change. He explained that there was a distance of 60 metres between the plots at the back of the site and the nearest properties, which he set out was the same distance as the width of a football pitch, twice the width of the car park at the Council Offices, and three cricket squares end to end. He believed that this was a considerable distance and therefore not a detrimental

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impact on neighbouring properties. He reminded Members that the application was for minor amendments only, that there was no loss of amenity and urged to permit.

Councillor D Harrison moved that the application be deferred due to his concerns regarding the flood risks. It was seconded by Councillor J G Coxon.

Councillor J Legrys spoke in support of the motion but asked for assurances that discussions would be held with the developer as applications often came back to Committee after a deferral without any amendments. He explained that the rise in water levels lead him to believe that the developer did not have a proper drainage system in place. It was his opinion that the developer was attempting to move the responsibility of dealing with the flood risks away, currently to Moira Furnace which now experiences flooding.

Councillor G Jones commented that when the development was approved it had great potential but it had turned out to be very poor with very little consultation between the developer and residents. He supported the motion to defer the application.

Councillor J Geary endorsed the comments already made by Members. Regarding the increase in floor levels, Councillor J Geary asked why the Building Regulations 2010 had been ignored even though the first application for planning permission was made in 2012, two years after the Building Regulations had come into force, and when the subsequent application for full planning permission was granted in 2013. He also questioned why the developers were only making the application now.

The Head of Planning and Regeneration stated that although planning permission had already been granted, the officers could still go back to the developers to make sure that the flood risk was tolerable, therefore he would not be advising Members against deferral if they were minded to do so. In response to Councillor J Geary, he reported that building regulations do change regularly and this was likely the reason for the amendment at this time, this was something he would check if Members decided to defer the application.

Councillor J Geary replied that the Building Regulations 2010 in question were in place before the planning permission was approved and if Members were to defer the application, he would appreciate an explanation as to why planning permission had been granted if the development did not meet building regulations when it was brought back to Committee.

Regarding the landscaping as detailed at condition eight within the report, Councillor J Geary expressed his disappointment that it was for five years only as in the past trees and other planting had been removed from development sites after this timeframe. He stated that the requirement should be in perpetuity.

Councillor J Clarke did not agree with comments from the Head of Planning and Regeneration regarding making sure the flood risk was tolerable as he was sure that residents would not find any kind of flood risk tolerable.

Councillor J Coxon felt that it was important to listen to the residents' concerns and was pleased that the planning team were prepared to revisit this matter so that residents were not adversely affected. He supported the motion to defer the application.

Councillor J Legrys asked that the discussions with the developer be opened up for local residents and the Moira Furnace Trust to attend. He also asked for information to a future meeting regarding whose responsibility it was to maintain SUDS, which was an issue that had been raised previously.

Before the motion was put to the vote, the Chairman asked Members for reasons for deferral. It was agreed that the reason for deferral was to allow more information to be obtained from the developer regarding mitigating the risks of flooding.

RESOLVED THAT:

The application deferred to allow more information to be obtained from the developer regarding mitigating the risk of flooding.

40.

**A2**

**16/00568/FUL: AGRICULTURAL STORAGE BUILDING AND DRIVEWAY**

Land East Side Of Austrey Lane Appleby Parva Derby

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Mr P Lees, objector, addressed the Committee. He explained that every resident in the village had signed the objection for a number of reasons. Firstly, the proposal was contrary to policy S6 and was not an essential agricultural building as represented within the report as it would not be used for business but for a hobby, the land owner did not farm any of his land or own any animals. He believed that the application was the first step to developing the site and the applicant was trying to get around planning by putting forward the application. He believed that the proposed access to the site was not safe as it was situated on a bend which meant it was impossible to see oncoming traffic; he guaranteed that accidents would occur if the application was permitted. He brought Members attention to the fact that the proposed height of the building was 5.2 metres and was supposedly for a tractor, considering that the biggest tractor in the village was 3 metres high, he did not believe that this would be the use of the building. He concluded that the application was very misleading and very poor, therefore he urged Members to refuse it.

Councillor R Blunt, ward member, addressed the committee. He began by stating that as Members who visited the site would have seen, the area was of outstanding beauty and the site itself was only a small field which some would consider a garden. The Council had a duty to protect the countryside and this application would be a visual intrusion on the area. He added that the piece of land was definitely not used for farming. He concurred with the comments of Mr P Lees and urged Members to refuse the application on the grounds that it would have an adverse visual impact, the proposed access was dangerous and that the building was not required as the agricultural use did not apply.

Councillor J G Coxon moved that the application be refused on the grounds stated above. It was seconded by Councillor J Hout.

Councillor D Harrison commented that having been to the site it did not look like it would be used for farming especially now he was aware that the land owner did not currently farm. He asked if the officer's recommendation to permit had been made on the basis that it would be used to store a tractor. The Head of Planning and Regeneration explained that officer's made a judgement by taking a number of things into account, including the size of the land and views of the agricultural officer. Regarding the reasons for refusal, the Head of Planning and Regeneration advised that as the Highway Authority had not objected and that there was already gated access to the site, dangerous access would not be a strong reason for refusal. Councillor J G Coxon felt that the proposed access was on a dangerous part of the road which the Highway Authority had already reduced the speed of; therefore he wished the reason for refusal to remain.

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Councillor P Purver commented that she passed the site daily and the land level was higher than the road junction, when you add this to the height of the proposed building she believed that the size would have an adverse affect.

Councillor J Geary commented that the application was a classic example of the importance of non pre-determination. His initial thoughts whilst on site were that it was very messy and any kind of development would tidy up the site considerably. However, now he had listened to the comments and discussion at the meeting he was in support of the motion to refuse.

Councillor J Legrys agreed that it was an untidy site that was on a very heavily used road. As the Highway Authority had no objections he felt that the reason for refusal based on the dangerous access could not be defended in the event of an appeal, therefore it was his opinion that it should not be included. He believed it was an area of outstanding beauty and what he had seen on the site was a scrub land that was in need of development.

For clarification, the Head of Planning and Regeneration stated that the access to the site was not directly onto the A444, so vehicles would not be exiting directly onto this busy road.

Councillor D Everitt commented that he liked to see overgrown natural landscape and hoped that it would stay that way.

Councillor G Jones felt that if the Committee were minded to refuse the application then the land owner should be issued with a tidying up order.

Councillor J Clarke agreed that the site should be tidied up but he did not believe a building of the proposed size would enhance the area.

RESOLVED THAT:

The application be refused on the grounds that it would have an adverse visual impact, the proposed access was dangerous and that the building was not required as the agricultural use did not apply.

41.

**A3**

**16/00558/OUT: ERECTION OF TWO DWELLINGS WITH ASSOCIATED GARAGES INCLUDING THE CREATION OF A NEW VEHICULAR ACCESS (OUTLINE APPLICATION ACCESS AND LAYOUT FOR APPROVAL)**

Land Adjacent To The Cottages Stoney Lane Coleorton Leicestershire

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to Members.

Mr G Jones, objector, addressed the Committee. He explained that his driveway was located directly opposite the proposed site on an acute angle which meant he needed to sweep across the road to exit onto the very narrow lane. If the proposal was to be approved it would mean that it would be very dangerous for himself and his visitors to exit his property. He stated that people abused the speed limit and drove very fast along that part of the road and as the road is in a narrow embankment, also on a camber, it does become very dangerous. He agreed with the officers' recommendations and urged Members to refuse.

Mr T Stewart, supporter, addressed the Committee. He stated that he had been studying the history of Coleorton for many years and the applicant was the third generation of the

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family to reside in the main house. The proposal was to include a house for the aging parents to allow them to stay in the area as well as another dwelling to allow others to do the same thing. He felt it was important to protect the history of the village and to keep generations of families in the area. He explained that the development met local need requirements and that the applicant was happy to enter into a suitable Section 106 agreement.

Mr A Large, agent, addressed the Committee. His observation was that the site was a natural place to infill and there were no objections from the Highway Authority as all concerns had already been addressed, as well as the fact that the applicant was willing to widen the road if need be. He referred to the officer's reason for refusal regarding unsustainability and highlighted to Members that the report failed to mention the local school or the Beaumont Centre. He also referred Members to a letter submitted by the school's head teacher who would encourage development in the area as the pupil intake had been down on numbers. He urged Members to permit.

Councillor J Legrys moved that the application be permitted; it was seconded by Councillor G Jones.

Councillor G Jones commented that other permissions had been granted in the area and as the development was to help people to stay in the area he was in support. He explained that he could see no problem with the proposal given that the applicant was happy to widen the highway which would benefit the local residents.

Councillor R Boam agreed that similar applications had been permitted in the area but he believed that they were needed. He commented that there were already two empty cottages on the site which could be occupied and therefore he felt the proposal was unnecessary. He added that the road was already heavily used and he could not support the motion to permit.

RESOLVED THAT:

The application be permitted.

**42.**

**A4**

**16/00683/FUL: ERECTION OF ONE DWELLING**

Ivy House Nottingham Road Peggs Green Coleorton Coalville Leicestershire LE67 8HN

Officer's Recommendation: PERMIT

The senior planning officer presented the report to Members.

Mr A Large, agent, addressed the Committee. He commented that the application was not too dissimilar to the previous application and as there were no objections, he urged Members to permit.

The officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor D Harrison.

RESOLVED THAT:

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

**43. A5  
16/00612/OUT: ERECTION OF ONE SELF-BUILD DWELLING (OUTLINE - ALL MATTERS RESERVED)**

Land At Babelake Street Packington Ashby De La Zouch Leicestershire LE65 1WD

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

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

Parish Councillor C Miles, Chairman of Packington Parish Council, addressed the Committee. He raised concerns that the proposal was outside the Limits to Development and would be detrimental to the village as, although he acknowledged this was not something that the Committee was able to take into account, it could set a precedent to other pony paddock owners resulting in sporadic development. He stated that self builds should not take precedent over defined Limits to Development. He added that the site connected four different footpaths and if the application was approved it was feared that the footpaths would no longer be used. He stressed the importance of protecting the natural environment of the village and due to there being no through road to the site, a busy access road, and flooding risks he urged Members to refuse the application.

Ms S Price, agent, addressed the Committee. She stated that Packington was a sustainable village within walking distance of services and that similar applications had been permitted in the past. She further advised that although the proposed development was outside Limits to Development, other dwellings adjoined the site and therefore the site was not isolated. There was no evidence that users of the footpaths and roads would be affected by the development and there were no objections from neighbouring residents. She concluded that the proposal was for a self build which the applicant was planning on retiring to, with the intention to reduce their vehicles from two to one.

Councillor J Hoult moved the officer's recommendation. It was seconded by Councillor G Jones and he commented that he was in full support of self builds and believed they should be encouraged.

Councillor J Coxon stated that he liked to support the views of the Parish Council but on this occasion he could not see anything wrong with the application. He concurred with Councillor G Jones and even though the site was outside the limits to development, there was a bungalow across the road.

RESOLVED THAT:

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

Councillor M B Wyatt left the meeting at 5.10pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.10 pm

Chairman's signature