

**PLANS COMMITTEE  
12TH JANUARY 2017**

PRESENT: The Chair (Councillor Page)  
The Vice-chair (Councillor Forrest)  
Councillors Bebbington, Campsall, Gerrard, Lowe, Pacey,  
Seaton, Smidowicz, Snartt and Tassell

Head of Planning and Regeneration  
Group Leader Development Management  
Team Leader Local Development  
Planning Officer (SD)  
Solicitor (SM)  
Democratic Services Manager

APOLOGIES: Councillors Bentley, Jukes and Tillotson

34. MINUTES

The minutes of the meeting of the Committee held on 8th December 2016 were confirmed as a correct record and signed.

Having received an explanation from the Solicitor on the position regarding the decision taken by the Committee in respect of application P/16/2302/2 (Ivy Cottage, 197A Ashby Road, Shepshed, minute 32.3 2016/17 refers), Councillor Bebbington stated that he accepted the Solicitor's explanation but wished his reservation regarding the matter to be recorded in the minutes.

35. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

36. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures were made:

- (i) by Councillor Campsall – a disclosure under the Planning Code of Good Practice in respect of application P/16/2640/2. He stated that he had received a letter from the objector and he believed that this had also been sent to other members of the Committee and to the Planning Department;
- (ii) by Councillors Gerrard, Seaton and Snartt – personal interests in respect of application P/16/2640/2 as they knew Mr Rollings who would be speaking on the item. They stated that they had had no contacts with him regarding the application;

- (iii) by Councillor Smidowicz – a personal interest in respect of application P/16/2640/2 as she knew the applicant. She stated that she retained an open mind regarding the application.

### 37. PLANNING APPLICATIONS

The applications for planning permission set out in the appendix to the agenda, together with the recommendations of the Head of Planning and Regeneration, were considered.

Councillor Tassell withdrew as a member of the Committee during consideration of application P/16/2302/2.

In accordance with the procedure for public speaking at meetings, the following applicant and representative of the objector attended the meeting and expressed their views:

- (i) Miss A Watts of Charles Church (applicant) in respect of application P/16/1183/2;
- (ii) Mr R. Rollings (on behalf of the objector) in respect of application P/16/2640/2.

In accordance with the procedure for Borough Councillors speaking at Plans Committees, the following councillors attended the meeting and expressed their views:

- (i) Councillors Hadji-Nikolaou and Capleton in respect of application P/16/1183/2;
- (ii) Councillor Parton in respect of applications P/16/2640/2 and P/16/2488/2;
- (iii) Councillor Tassell in respect of application P/16/2302/2.

In addition to the letters of representation reported in the agenda, details of the following, which had been received after the agenda for the meeting had been prepared, were submitted in the additional items list and published on the Council's website:

- (i) in respect of application P/16/1183/2: Mountsorrel Parish Council has advised that it accepted the balanced approach and recommendations set out in the report and did not wish to be represented at the Committee meeting; Councillor Capleton had advised that he no longer objected to the proposal and would be attending the meeting to set out his position, and the Supplementary Planning Agreement was now at an advanced stage in relation to the provisions set out in the report;

- (ii) in respect of application P/16/2640/2: a solicitor acting on behalf of the neighbour at 16 Wallace Road had resubmitted a letter which was originally submitted to the Local Planning Authority in connection with the previous planning application (P/16/1432/2). Although the letter referred specifically to the previously refused application, it was mentioned in the neighbour's own objection letter for the current application. The comments received had been placed on the file and made available on the Council's website in the usual way.

In respect of application P/16/2488/2 (2 Woodgate, Loughborough), officers referred to an error on page C3 of the report and confirmed that the business would not require a licence from the Borough Council but would have to comply with relevant health and safety requirements.

## **RESOLVED**

1. that in respect of application P/16/1183/2 (Land off West Cross Lane, Mountsorrel):
  - (a) authority be given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a Supplemental Deed to the agreement under Section 106 of the Town and Country Planning Act 1990, in respect of outline planning permission P/14/0058/2, to secure infrastructure improvements, on terms to be finalised by them so as to link the two planning permissions (in particular in relation to the substituted plots), as set out on page A11 of the appendix to the agenda and with the inclusion of an additional contribution to Rothley Community Library;
  - (b) that subject to the completion of the Supplemental Deed referred to in (a) above, planning permission be granted for the development subject to the conditions referred to in the report and to the following amendment to condition 5 to read as follows:

All details of the proposed development must comply with the design standards of Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycle ways) and visibility splays and will be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences. The development must be carried out in accordance with the approved scheme;  
Reason: To ensure a satisfactory form of development and in the interests of highway safety;

2. that in respect of application P/16/2640/2 (18 Wallace Road, Loughborough), planning permission be granted for the development subject to the conditions referred to in the report and to the following amendment to condition 3 and additional condition 4:
  3. Notwithstanding the submitted details, prior to the first occupation of the extensions hereby permitted, three off-street car parking spaces shall be provided in a bound material, in accordance with details which shall have previously been submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall thereafter be retained and made available at all times for their intended purpose;  
REASON: To provide sufficient off-road car parking in the interests of highway safety;
  4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), the integral garage hereby permitted shall not be altered or converted to habitable living accommodation;  
REASON: To ensure sufficient off-street car parking for the dwelling and in the interests of highway safety;
  
3. that in respect of application P/16/2302/2 (Ivy Cottage, 197A Ashby Road, Shepshed), planning permission be granted for the development contrary to the recommendation of the Head of Planning and Regeneration, because whilst the proposal does not fully accord with the Development Plan it is considered acceptable due to the specific and cumulative benefits that would accrue in this case most particularly the redevelopment of a brownfield site, the change in use proposed, because of the potential to tidy up the site and because of how the proposal sits within and relates to its setting, subject to the following conditions:
  1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission;  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
  2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings below:  
Approved Drawings:-
    - 16.3232.06A – Proposed site and roof plans
    - 16.3232.07 – Proposed floor plan and elevations
    - 16.3232.08 – Proposed car ports floor plans and elevations
    - 16.3232.06 - buildings to be removed - received 20th December 2016

Unnumbered plan of Arboricultural survey received 7th October 2016:

1:1250 scale site location plan;

REASON: For clarity and the avoidance of doubt and to define the terms of the permission;

3. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected in accordance with BS5837 2012 "Trees in relation to design, demolition and construction". Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered;

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site;

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order, with or without modifications), no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage;

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area;

5. The dwelling hereby permitted shall not be occupied until such time as the access, car parking and turning facilities to serve it and the host property and as shown on drawing No. 16.3232.06A have been provided and made available for use. Thereafter the access, car parking and turning facilities as provided in accordance with the drawing, shall be permanently retained and not be obstructed or prevented being used as such;

REASON: In the interests of providing sufficient car parking and turning to meet the needs of the original and new residential property; in the interests of highway safety;

6. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;

- ii) full details of tree planting;

- iii) planting schedules, noting the species, sizes, numbers and densities of plants;

- iv) finished levels or contours;

- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed;

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed;

7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;  
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings;

## INFORMATIVES

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy and Saved Policies EV/1, TR18, CT1 and CT2 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application. The proposed development does not fully comply with the Development Plan. However, it is considered acceptable due to the specific and cumulative benefits that would accrue in this case most particularly the redevelopment of a brownfield site, the change in use proposed, because of the potential to tidy up the site and because of how the proposal sits within and relates to its setting;
2. Planning permission has been granted for this development because the Council has determined that, although it does not fully accord with the terms of the above-mentioned policies, the degree of harm that might be caused is insufficient to warrant the refusal of planning permission;
3. Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015;
4. All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 305 0001;

4. that, subject to resolutions 1. to 3. above and to the reasons set out in the Committee's Minute Book, decision notices be issued as follows:

P/16/1183/2	MOUNTSORREL – Land off West Cross Lane, Charles Church North Midlands – Substitution of 23 plots and erection of 12 dwellings	Permit – subject to the completion of Supplemental Deed to Section 106 Agreement and conditions including an amendment to condition 5
P/16/2640/2	LOUGHBOROUGH – 18 Wallace Road, Mrs A. Wadud – Erection of two-storey extension to side and single-storey extension to rear of dwelling (revised scheme – P/16/1432/2 refers)	Permit – subject to conditions including an additional condition and an amendment to condition 3
P/16/2488/2	LOUGHBOROUGH – 2 Woodgate, Mrs W. Ritchie – Change of use from (B1) accountants to (D1) massage business	Permit – subject to conditions
P/16/2302/2	SHEPSHED – Ivy Cottage, 197A Ashby Road, Mr T. Tyler-Fantom – Conversion of kennels to dwelling with carport and erection of carport for existing dwelling (revised scheme P/16/1519/2 refers)	Permit – subject to conditions

NOTES:

1. No reference may be made to these minutes at the Council meeting on 27th February 2017 unless notice to that effect is given to the Democratic Services Manager by noon on 2nd February, 2017.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.

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