

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 FEBRUARY 2015

Present: Councillor D J Stevenson (Chairman)

Councillors A Bridges (Substitute for Councillor G A Allman), J Bridges, J G Coxon, D Everitt, T Gillard, J Houlton, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan (Substitute for Councillor R Adams), M Specht, L Spence (Substitute for Councillor R Woodward) and M B Wyatt

In Attendance: Councillors R D Bayliss, J Geary, T J Pendleton and A C Saffell

Officers: Mrs V Blane, Mr C Elston, Mrs C Hammond, Mr J Knightley, Mr J Mattley and Mr J Newton

## **99. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Adams, G A Allman, D Howe, N Smith and R Woodward.

The Chairman advised Members that Councillor D Howe was unwell and asked that a letter of best wishes be sent to him.

## **100. DECLARATION OF INTERESTS**

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

Councillors J G Coxon, J Houlton and G Jones declared a disclosable non pecuniary interest in item A1, application number 14/00769/OUTM, as Members of Ashby Town Council.

Councillors J G Coxon, D Everitt, J Houlton, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan, M Specht, L Spence and D J Stevenson declared that they had been lobbied without influence in respect of item A1, application number 14/00796/OUTM.

Councillors T Gillard and M B Wyatt declared that they had been lobbied without influence in respect of items A1 and A2, application numbers 14/00796/OUTM and 14/00802/OUTM.

## **101. MINUTES**

Consideration was given to the minutes of the meeting held on 6 January 2015.

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 6 January 2015 be approved and signed by the Chairman as a correct record.

## **102. 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.

Chairman's initials

**103. A1  
14/00769/OUTM: ERECTION OF UP TO 70 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND ACCESS OFF WOODCOCK WAY (OUTLINE - ALL MATTERS RESERVED)**

Land Adjoining Woodcock Way Ashby De La Zouch

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

The Principal Planning Officer presented the report to Members.

Councillor R D Bayliss, Ward Member, addressed the meeting. He advised Members that he had no objection to the Money Hill development in principle as it was difficult to find a reason to not develop, however the application before them had issues. He raised concerns over highway access to the site as there was only one and it was already congested. He asked Members to refuse the application on the grounds that the development was unsustainable.

Mrs M Tuckey, on behalf of Ashby Town Council, addressed the meeting. She advised Members that the Town Council had constantly objected to the application when submitted for 30 houses and now objected to 70. She stated that the access at Woodcock Way was too narrow and the surrounding roads were already congested with 15,000 cars a day travelling along them, and that due to all the other developments within the Ashby area schools and medical facilities were at capacity. She urged Members to refuse the application.

Mr M Ball, objector, addressed the meeting. He reminded Members that the Packington Nook Inspector had stated that the SHMA advised that the district had a 5 year plus housing land supply and that there should be no further development outside the limits to development as there were sufficient brownfield sites. He stated that the junction was already at capacity and there had been 20 accidents there also. He added that the application was unacceptable as it was for outline matters and it conflicted with the Money Hill application. He urged Members to refuse the application as it was contrary to policy E6, the NPPF and the Local Plan.

Mr G Lees, agent, addressed the meeting. He advised Members that the development had been designed carefully so that it could either stand alone or become part of a wider development. He informed Members that the application contained 30% affordable housing and that any access concerns that had been raised by the Highways authority had been addressed. He highlighted that the transport plan was now acceptable and that Miller Homes would restrict access to only the 70 homes with bus access to a wider development. He added that the Money Hill consortium had no objections to the development.

Councillor D J Stevenson stated that he agreed with the first three speakers, however the application was for outline with all matters reserved and therefore the committee was unable to consider issues such as highways and design, it was only the principle of development of the land that they could consider.

Councillor M Specht stated that his concerns were around sustainability. He highlighted that the report stated that 2km was an acceptable walking distance from the development, however a later report stated that 800m was an acceptable walking distance. He added that he was not happy with the sustainability and access but understood that this could not be discussed. He moved that the application be deferred until further information could be provided on access and sustainability. This was seconded by Councillor G Jones.

Councillor J G Coxon agreed that the application should be deferred as he felt that Members needed to consider access details. He also felt that the application should not be considered until the outcome of the Money Hill appeal was known. He requested a recorded vote.

Councillor S Sheahan raised concerns about the traffic impact comments from the County highways and that there was no definition of severe in the NPPF.

Councillor J Legrys stated that he would have preferred that the application go to a decision, but took heed of what had been said. He felt that a fresh application would be exactly the same. He raised concerns over the trunk road that was only 8m wide having to incorporate 3 lanes. He praised the driver of the bus that took Members on the site visit for negotiating Woodcock Way.

Councillor J Bridges stated that he did not agree with the application and that Members had a duty to protect the area and a responsibility to consider the impact on Ashby. He raised concerns how the highway access would be controlled, should the application be approved.

The Head of Planning and Regeneration advised Members that as the application was for outline only, a further application for reserved matters to provide details of the access arrangements, would need to be submitted which the committee could call in should they wish to.

Councillor J Bridges raised concerns that if the application was granted the Council would not have control over a master plan.

Councillor G Jones congratulated the speakers and stated that he supported the recommendation to defer as the application could not be considered without all the information.

The Head of Planning and Regeneration responded to the points that had been made by Members. He advised that:

- Leicestershire County Council was the Highways authority and therefore refusal on highways grounds would not be defensible
- The report outlined the proposed Section 106 contributions of £456,882.68 to schools and £23,331.83 to the NHS.
- The Council would be able to control the access rights to a wider development on Money Hill.
- Just because the SHMA stated the authority had a 5 year land supply, it did not mean that the authority should not permit any further development within the district.
- Highways were content that with the access off Woodcock Way and that it would not prejudice a wider scheme.
- Reassurance was provided that the development was deliverable in a sustainable way.

The Chairman then put the motion to defer the application to the vote.

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

For the motion:

Councillors A Bridges, J G Coxon, D Everitt, J Hault, R Johnson, G Jones, J Legrys, T Neilson, S Sheahan, M Specht and D J Stevenson(11).

Against the motion:

Councillors J Bridges, T Gillard, L Spence and M B Wyatt(4).

Chairman's initials

Abstentions:  
None(0).

RESOLVED THAT:

The application be deferred to allow further information on access and sustainability to be provided, and the outcome of the Money Hill appeal to be known.

**104. A2**  
**14/00802/OUTM: ERECTION OF 36 DWELLINGS, FORMATION OF ACCESS AND PROVISION OF OPEN SPACE (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS RESERVED)**

Land At Acresford Road Donisthorpe Swadlincote

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

Ms C Chave, agent, addressed the meeting. She advised Members that a public consultation had been carried out and all comments had been taken into account. She stated that there was demand for more choice and this would help to sustain new businesses and provide new patronage to them. She informed Members that the developers had worked closely with planning officers and that the traffic calming measures would slow traffic down sooner before entering the village. She urged Members to support the recommendations.

Councillor S Sheahan stated that if the application was approved, highways improvements were essential and he sought clarification on what the suggested traffic calming measures were. He requested that the village sign on the entrance to Donisthorpe was moved should the application be permitted. He also highlighted that residents had raised concerns over drainage and sewage issues.

The Senior Planning Officer advised Members that it was planned to put raised tables at the access point and that a note could be added to the applicant about moving the village sign. He went on to inform Members that there had been no objections from either the Environment Agency or Severn Trent Water subject to the inclusion of the relevant conditions.

Councillor M Specht congratulated the officer on the report and stated that he felt the development would help to retain services such as the hourly bus service.

The Officer recommendation was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

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

**105. A3**  
**14/00967/FULM: PERMANENT CHANGE OF USE OF CAR PARK LAND TO THE SALE OF PLANT AND MACHINERY BY AUCTION WITH UP TO 5 AUCTIONS PER ANNUM**  
Donington Park Race Circuit Donington Park Castle Donington

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

Chairman's initials

The Principal Planning Officer presented the report to Members.

Councillor A C Saffell, Ward Member, addressed the meeting. He reminded Members that the previous application had only been permitted on a temporary basis to assist with the financial issues and that now the track had extra race days, Moto GP and Formula E, the auction days should not be required. He stated that the application should not be permitted as policy L20 did not apply and that the yellow and orange would be visible. He informed Members that they had been told that the community would see significant benefits from the auctions, but nobody in the area ever knew when the auctions were taking place. He asked Members to refuse the application.

Mr C Tate, applicant, addressed the meeting. He advised Members that the organisers of the auctions had chosen Donington Park due to the good transport links and the available hard standing. He informed Members that the delivery and removal of the goods had very little impact on the community as all the HGV drivers were briefed on routes and speed limits, that visitors to the auctions spent money in the area and that as a race circuit alone, Donington would not be viable, but the estate as a whole could be. He added that the auctions allowed jobs to be created, it was a diverse use of the site and he urged Members to support the application.

Councillor D J Stevenson stated that he had been suspicious when the original application was submitted but he was aware that not one complaint had been recorded by Planning or Environmental Health in relation to the auctions. He added that on race days there were brightly coloured plant vehicles, lorries and motor homes as far as the eye could see.

Councillor J Bridges agreed with Councillor D J Stevenson. He added that it was good to see a company with more than just one string to its bow and that the Council needed to back the application 100%.

Councillor M Specht queried the size of the storage area, should it read 0.2ha or was 2.2 ha correct, and sought clarification on what would be stored there.

The Principal Planning Officer stated that the storage area would be 2.2ha in size, which was almost 50% of the site and it would be used to store plant and machinery similar to what was to be sold. He advised Members that it was proposed to include a condition stating there would height limitation of 7m for non auction days and 18m on sale days.

Councillor J Legrys stated that he welcomed the application but felt that Members should have been given the opportunity to visit the site when the activities were taking place. He added that it was good diversification which created jobs.

The Officer recommendation was moved by Councillor J G Coxon, seconded by Councillor L Spence and

RESOLVED THAT:

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

Chairman's initials

**106. A4****14/00519/FUL: ERECTION OF TIMBER FRAMED COMMERCIAL GROWING HOUSE (GREENHOUSE), A BUILDING CONTAINING BARN, STABLING AND CAR PORT FOR ASSOCIATED SMALLHOLDING USE, SINGLE STOREY GARDEN ROOM AND BALCONY TO DWELLING, CHANGE OF USE TO RESIDENTIAL CURTILAGE INCLUDING LANDSCAPING WORKS AND REALIGNMENT OF EXISTING DRIVEWAY.**

Dishley Farm Main Street Swebstone

Officer's Recommendation: Permit

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

Mrs Carter, on behalf of Mr Carter, objector, addressed the meeting. She informed Members that their family had lived in the application property and farmed the land for years and now resided in another property on land adjacent to the site and to which they shared an access with the applicant. She raised concerns that the application was contrary to policy S3 as the activities on the site were not classed as agricultural and the new buildings were more for the family needs than that of a business. She expressed concern that there was no assessment to prove the development was essential and that the existing steel building could be upgraded as it had comfortably housed cows and tractors in the past.

Mr T Redfern, agent, addressed the meeting. He highlighted to Members that there were no concerns from the officers or objections from statutory consultees. He advised that the site was a small holding that sold surplus vegetables and meat to the local pub and butchers. He added that surplus produce was also donated to a local school. He stated that the applicants should be given credit for wanting to make a dilapidated barn fit for purpose in line with DEFRA regulations and designing a development to meet the needs of the family and an efficient small holding. He added that the application was part of an ongoing project and urged Members to support the recommendation.

Councillor D Everitt stated that he supported the application and that it had to be accepted that the world moves on and things change.

Councillor J Legrys expressed that he felt inspired by the application and that he supported local produce being sold to local businesses.

The Officer recommendation was moved by Councillor D J Stevenson, seconded by Councillor J Bridges and

RESOLVED THAT:

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

**107. A5****14/01073/FUL: ERECTION OF TWO-STOREY DETACHED DWELLING WITH DETACHED GARAGE**

28 Elder Lane Griffydham Coalville

Officer's Recommendation: Permit

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

Mr A Large, agent, addressed the meeting. He advised Members that the house would be occupied by the applicants and would allow their daughter and her family to move into the existing property. He added that the application met local need and would be sustainable.

Chairman's initials

The Officer recommendation was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

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

**108. A6  
14/01082/FUL: CHANGE OF USE OF AGRICULTURAL BARN TO COMMERCIAL USE  
TO INCLUDE B2 AND B8 USE AND ASSOCIATED PARKING/SERVICE AREA. (RE-  
SUBMISSION OF 11/00748/FUL)**

Cattle Shed South Of Service Station Atherstone Road

Officer's Recommendation: Permit

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

The Officer recommendation was moved by Councillor G Jones, seconded by Councillor J G Coxon and

RESOLVED THAT:

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

**109. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER AT 73 PARK  
LANE, CASTLE DONINGTON**

The Principal Planning Officer presented the report to Members.

It was moved by Councillor D J Stevenson, seconded by Councillor L Spence and

RESOLVED THAT:

The Tree Preservation Order be confirmed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.00 pm