

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 12 NOVEMBER 2013

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, A Bridges (Present as substitute for Councillor J Hoult), J Bridges, J G Coxon, D Everitt, T Gillard, D Howe, P Hyde (Present as substitute for Councillor R Woodward), R Johnson, J Legrys, T Neilson, V Richichi (Present as substitute for Councillor N Smith), M Specht and M B Wyatt

In Attendance: Councillors R D Bayliss, R Blunt, D De Lacy, J Geary and T J Pendleton

Officers: Mr D Gill, Mr D Hughes, Mr A Mellor, Ms C Proudfoot, Mrs M Scott, Mrs R Wallace and Ms S Worrall

### **23. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J Hoult, G Jones, N Smith and R Woodward.

### **24. DECLARATION OF INTERESTS**

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

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/01094/FUL, item A3 application number 13/00460/FUL and item A7 application number 12/00922/OUTM. He also declared that he was a member of the caravan and camping club as it was referred to in item A3 application number 13/00460/FUL.

Councillors R Adams, D Howe and R Richichi declared that they had been lobbied without influence in respect of item A1, application number 13/00335/OUTM.

Councillor T Neilson declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A3 application number 13/00460/FUL, item A4 application number 13/00205/FUL and item A7 application number 12/00922/OUTM.

Councillor R Johnson declared that he had been lobbied without influence in respect of item A2 application number 12/01094/FUL and item A7 application number 12/00922/OUTM. He also declared a non pecuniary interest in item A7 application number 12/00922/OUTM as a Member of Hugglescote and Donington le Heath Parish Council.

Councillor D Everitt declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/01094/FUL and item A4 application number 13/00205/FUL.

Councillor M B Wyatt declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/01094/FUL, item A3 application number 13/00460/FUL and item A7 application number 12/00922/OUTM.

Councillor J G Coxon declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM. He also declared a non pecuniary interest

Chairman's initials

in item A1 application number 13/00335/OUTM as a Member of Ashby de la Zouch Town Council.

Councillors G Allman and T Gillard declared that they had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A2 application number 12/01094/FUL.

Councillor M Specht declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A4 application number 13/00205/FUL and item A5 application number 13/00290/FULM.

Councillor J Cotterill declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM and item A7 application number 12/00922/OUTM.

Councillor J Bridges declared that he had been lobbied without influence in respect of item A5 application number 13/00290/FULM.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1 application number 13/00335/OUTM, item A2 application number 12/01094/FUL and item A3 application number 13/00460/FUL.

## **25. MINUTES**

Consideration was given to the minutes of the meeting held on 1 October 2013.

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

RESOLVED THAT:

The minutes of the meeting held on 1 October 2013 be approved and signed as a correct record.

## **26. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Regeneration and Planning, as amended by the update sheet circulated at the meeting.

A1

13/00335/OUTM

Development of 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Woodcock Way (outline - all matters other than part access reserved)

Money Hill site, north of Wood Street, Ashby de la Zouch, Leicestershire

The Chairman made the following statement:

Apologies for all of you that have come to present or listen to this major planning application for over 600 much needed new homes in Ashby at Money Hill. Following our site visit today, the Committee Members feel very strongly that whilst the principle of development looks acceptable on the site, we believe the development proposals need to be improved in relation to how the site is accessed into Ashby Town Centre. We consequently want the Officers to work with the applicant to explore new options for how

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pedestrian and car access is improved as the Committee do not believe the current access onto Nottingham Road and footpath links through to North Street are adequate to link this new community into Ashby Town Centre. In order that representations can be made to a future meeting, we will not take any presentations today.

He therefore recommended that this application be deferred and encouraged the applicant to work with Officers to improve the linkages between the new development and Ashby Town Centre.

The recommendation was seconded by Councillor J G Coxon.

RESOLVED THAT:

The application be deferred on the grounds detailed above.

A2

12/01094/FUL

Erection of 4 no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging (revised scheme)

191 Loughborough Road, Whitwick, Coalville, Leicestershire

The Senior Planning Officer presented the report to Members.

Mrs E Marjoram, Solicitor speaking on behalf of objectors, addressed the Committee. The main concerns were that the proposed size of the two storey houses was too large and overbearing on the properties directly in front of the site, some of which were bungalows. The objectors believed that the site would only be suitable for bungalows. She also believed that the site was not in a sustainable location and there were no refuse plans in place. As there was currently no five year housing supply, Mrs Marjoram urged Members to refuse the application as this would create a precedent for back garden development.

Councillor T Gillard moved that the application be refused on the grounds that it was contrary to Planning Policy E3 and H41 as there was no public transport available and therefore not a sustainable location. It was seconded by Councillor D Howe.

Councillor M B Wyatt asked if the applicant had supplied evidence that there was no granite within the ground of the development site. The Senior Planning Officer reported that photographic evidence had been supplied showing the hole in the ground to a particular depth which indicated that no granite was found but it was not guaranteed that the site was completely granite free. The Head of Regeneration and Planning added that the ground condition was not a valid reason for refusal.

Councillor M Specht asked for clarification on whether Planning Policy H41 was a relevant consideration as there were contradicting views within the report as to whether this policy was still valid. The Legal Advisor explained that the report was put together before the Core Strategy was withdrawn and this was the reason the validity of the policy was mentioned.

Councillor D Everitt stated that he believed the development was visually overbearing and detrimental to the area. He felt that single storey buildings would be more in keeping with the area.

Councillor D Howe stated that he concurred with the comments made and did not feel that a development such as this was appropriate for a location on the edge of Charnwood Forest.

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Councillor J Legrys made the following comments:

- He believed the proposal was inappropriate for the area.
- He was disappointed that the applicant had not consulted with the Parish Council and local residents.
- He had concerns regarding the flooding issues on the site.
- He felt the design was out of character and the site was not sustainable.

After taking Officer advice, Councillors T Gillard and D Howe, as mover and seconder of the proposal, agreed to amend the grounds for refusal to Planning policies E3, due to the lack of residential amenities and E4 as the development was out of character with the area.

RESOLVED THAT:

The application be refused on the grounds that it was contrary to Planning Policies E3 and E4.

A3

13/00460/FUL

Use of land as a camping and caravan site with 20 pitches and change of use of outbuilding to a shop

The Globe Inn, 6 Main Street, Snarestone, Swadlincote

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

Mr J Hunt, Parish Councillor, addressed the Committee. He explained that due to the applicant's historical abuse of Planning Law, understandably the residents of the area had major concerns. The area was already heavily congested during school times and at weekends due to local football matches, therefore it was impossible to manoeuvre large vehicles along Main Street, this would include caravans. If the application was to be approved, Mr Hunt suggested that either the number of caravan pitches be reduced or temporary permission be granted so that it could be reviewed.

Mr Costello, applicant, addressed the Committee. He explained that he had been the licensee at The Globe Inn since December 2011 and inherited six caravan pitches with the public house. He reported that the original application was for 30 pitches but due to local opinion he had reduced the number to 20 pitches. Mr Costello explained that for a large part of the year there would only be a handful of caravans on the site and use would generally be at weekends. He added that there would be many benefits to the local area if the application was approved including income to the public house, security of existing jobs and creation of new ones, and a small shop for the users of the site as well as local residents.

Councillor R Blunt, Ward Member, addressed the Committee. He thanked the applicant for consulting with the Parish Council and local people and he believed a good debate had been had by all. He concurred with the comments of the Parish Council as he felt they did have merit but he also wanted it known that local people did want to save the public house. Councillor R Blunt suggested that the application be deferred so that discussions could be had with the applicant to reduce the number of caravan pitches.

Councillor J G Coxon concurred with Councillor R Blunt and moved that the application be deferred to allow further discussions with the applicant regarding the reduction of caravan pitches on the site.

The Chairman reported that discussions had already been had with the applicant and they

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did not want to make any further reductions to the number of caravan pitches. He suggested that an alternative option was to approve a five year temporary permission which would be more appropriate. Councillor J G Coxon decided to withdraw his previous proposal to defer the application and moved that the application be approved on a five year temporary permission. It was seconded by Councillor V Richichi.

Councillor J Legrys commented that he understood the concerns due to previous behaviour but there was a need to save the public house and other facilities. He believed the proposal was a wise one.

RESOLVED THAT:

The application be granted a temporarily planning permission for a five year period.

A4

13/00205/FUL

Retrospective application for the change of use of land for the storage of military equipment including tanks, armoured fighting vehicles, heavy vehicles and trailers, off road 4 x 4 vehicles and associated servicing and maintenance equipment  
Tank Mania, Measham Lodge Farm, Gallows Lane, Measham

The Senior Planning Officer presented the report to Members.

The Officer's recommendation was moved by Councillor J G Coxon and seconded by Councillor J Legrys.

RESOLVED THAT:

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

A5

13/00290/FULM

Retrospective application for the retention of the use of the land for the operational use of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles, heavy duty vehicles and off-road 4x4"s)  
Tank Mania, Measham Lodge Farm, Gallows Lane, Measham

The Senior Planning Officer presented the report to Members.

Ms D Mulka, objector, addressed the Committee. Her main concern was the cumulative noise impact in the area as there was already a great deal of noise from the Minorca Opencast Mining Site. She explained that it was not just the disturbance from the noise from the vehicles but also the simulation of war experiences that take place at night with explosions and thunder crashes. Plus the fact that the applicant had been operating illegally for years. Ms Mulka concluded that she understood that it was a business that needs to make money but the level of noise for the local residents was unbearable even with the windows closed.

Mr D Rogers, applicant, addressed the Committee. He explained that when he bought the business in 2007 he was not aware that the correct permissions were not in place. He went on to state that a total of six members of staff are employed by the business, all of whom would lose their jobs if the application was refused. He stated that the business

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generated approximately 6000 visitors per year, which benefited the local amenities. He added that he would do all he could to mitigate the noise levels and work was currently underway.

Councillor T Gillard moved that the application be permitted on the grounds of protection of local jobs and the business that it brings onto the area.

Councillor D Everitt explained that he had taken part in similar activities and had very much enjoyed it. He stated that he was not impressed with the noise complaints and hoped official noise monitoring had been undertaken. He asked whether there was a way of modifying the sound of the vehicles and added that he felt the business was a benefit for the area. The Street Protection Team Leader reported that the correct noise assessments had been carried out and the applicants had confirmed that silencers on the vehicles would not be possible. She also reported that they were currently monitoring the site with a view to serving an Abatement Notice on the applicant if a statutory nuisance was established which would close the business.

Following a request to speak during the debate, the Chairman allowed Councillor R Blunt to address the Committee as the Ward Member. Councillor R Blunt reported that the residents had to put up with a lot of noise with the Minorca Opencast Mine as well as Tank Mania and although he felt the business was important for the district, he believed it should be located further away from residential areas.

After listening to comments from Members and Officers, Councillor T Gillard stated that although he felt it was important to support local businesses, taking all comments into account, he withdrew his proposition to approve the application.

Councillor J Bridges referred to the update sheet in which it stated the methods the applicant had proposed to reduce the noise. Councillor J Bridges proposed that the application be deferred to allow the applicant to implement the noise reduction methods to give the business a chance. It was seconded by Councillor R Johnson.

A discussion was had on how the decision made by the Committee affects the enforcement proceedings from Environmental Health and advice was given on the proposition to defer the application.

Councillor R Adams asked for clarification on why the Committee had not been informed about the night time activities of the business within the report. It was agreed to supply this information after the meeting.

After listening to the debate, Councillor R Johnson withdrew from seconding the proposition to defer the application. At this point Councillor G Allman seconded the proposition to defer the application.

The motion was put to the vote and was LOST.

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

RESOLVED THAT:

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

A6  
13/00648/FULM

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Erection of 14 dwellings along with conversion of ticket sales office to residential, demolition of redundant buildings and creation of new access.  
Swainspark site, Spring Cottage Road, Overseal, Swadlincote

The Senior Planning Officer presented the report to Members.

Mr C Hill, applicant, addressed the Committee. He explained that the site had been vacant for eight years and had become a blot on the landscape as it was derelict and had been vandalised. He reported that he had worked with Officers to get the best proposal for the site which included affordable housing and as there was a real demand for housing in the area, he urged Members to approve the application.

The Officer's recommendation was moved by Councillor J Legrys and seconded by Councillor T Gillard.

RESOLVED THAT:

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

A7

12/00922/OUTM

Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (Outline - All matters other than vehicular access off Grange Road reserved)  
Land south of Grange Road, Hugglescote, Leicestershire

The Principal Planning Officer presented the report to Members.

Mr S Field, agent, addressed the Committee. He informed the Committee that consultations had been undertaken with local residents, including leaflet drops and public meetings. He stated that the proposal was supported by Officers and had received very few objections. He concluded that there would be a contribution towards the highway network which included Hugglescote crossroads.

Councillor R Johnson raised the following points:

- The transport assessment was based on the development on Standard Hill which was entirely different. Councillor R Johnson expressed his disappointment and asked why an independent assessment was not undertaken.
- The proposal was to remove the lay-by which was currently used by people visiting the cemetery; Councillor R Johnson asked where these people would park in the future.
- The plans for widening the road were dangerous, especially as the local school children visit an interpretation board positioned there for their use.
- Councillor R Johnson believed that the applicant should have undertaken more consultation.

The Officer's recommendations were moved by Councillor J G Coxon and seconded by Councillor T Gillard.

Councillor T Neilson stated that he could not support the application in the current form and raised the following concerns:

- The impact of the development on the Hugglescote crossroads.
- The air quality impact at the Hugglescote crossroads.
- The number of affordable housing was not high enough.

Chairman's initials

Councillor P Hyde agreed that the Hugglescote crossroads was a sensitive issue and concurred with Councillor R Johnson in that the visitors to the cemetery needed somewhere to park.

Councillor J Legrys made the following comments:

- It was important to listen to the objections from the Parish Council as detailed within the report.
- There were major concerns with the impact on Hugglescote crossroads and it was concerning that no one was listening to these concerns.
- There were too many uncertainties with the transport assessment.
- There were flooding concerns.

A recorded vote having been requested, the voting on the proposal to permit the application was as follows:

For the motion:

Councillors G Allman, A Bridges, J Bridges, J G Coxon, T Gillard, V Richichi, M Specht, and D J Stevenson (8).

Against the motion:

Councillors R Adams, J Cotterill, D Everitt, D Howe, P Hyde, R Johnson, J Legrys, T Neilson and M B Wyatt (9).

Abstentions:

(0)

The motion to permit the application was LOST.

Councillor R Johnson moved that the application be refused on the grounds of highway safety and flooding on the site. It was seconded by Councillor P Hyde.

Discussions were had on the possible reasons to refuse the application and Legal advice was given on the process of voting.

At the request of Councillor J Legrys, it was agreed that the meeting be adjourned for ten minutes so that the correct reasons for refusal could be formulated with the Officers.

The meeting adjourned at 6.31pm and recommenced at 6.41pm.

Councillor J Legrys confirmed proposal to refuse was on the grounds that no mitigation was in place to address the local knowledge of flooding issues on the site, highway safety especially on Grange Road and the existing over capacity on the Hugglescote crossroads.

A recorded vote having been requested, the voting on the proposal to refuse the application was as follows:

For the motion:

Councillors R Adams, D Everitt, D Howe, P Hyde, R Johnson, J Legrys, T Neilson and M B Wyatt (8).

Against the motion:

Councillors G Allman, A Bridges, J Bridges, J Cotterill, J G Coxon, T Gillard, V Richichi, M Specht, and D J Stevenson (9).

Abstentions:

(0)

The motion to refuse the application was LOST.

Chairman's initials



Councillor T Gillard moved that the application be deferred to allow further consideration of the concerns relating to the safety of the Grange Road access and the issue of over-capacity at Hugglescote crossroads. It was seconded by Councillor J Cotterill.

A recorded vote having been requested, the voting on the proposal to defer the application was as follows:

For the motion:

Councillors G Allman, A Bridges, J Bridges, J Cotterill, J G Coxon, T Gillard, V Richichi, M Specht and D J Stevenson (9).

Against the motion:

Councillors R Adams, D Everitt, D Howe, P Hyde, R Johnson, J Legrys, T Neilson and M B Wyatt (8).

Abstentions:

(0)

The motion to defer the application was CARRIED.

RESOLVED THAT:

The application be deferred to allow further consideration of the concerns relating to the safety of the Grange Road access and the issue of over-capacity at Hugglescote crossroads.

A8

13/00695/NMA

Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (Non Original) chimney previous proposed for retention

Breedon Hall, Main Street, Breedon On The Hill, Derby

and

A9

13/00677/LBC

Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three rooflights on north east roof plane)

Breedon Hall, Main Street, Breedon On The Hill, Derby  
The Officer's recommendation was moved by Councillor J Legrys and seconded by Councillor J Bridges.

RESOLVED THAT:

The applications be permitted in accordance with the recommendations of the Head of Regeneration and Planning.

A10

13/00666/FUL

Conversion and extension of existing barn to form one dwelling  
The Croft, Moor Lane, Tonge, Melbourne

Chairman's initials

The Senior Planning Officer presented the report to Members.

The Officer's recommendation was moved by Councillor J Legrys and seconded by Councillor J Bridges.

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.55 pm