

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 SEPTEMBER 2015

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors S McKendrick and T J Pendleton

Officers: Ms S Booth, Ms J Davies, Mr C Elston, Mr D Gill, Mrs C Hammond, Mr J Mattley, Mr A Mellor and Mr J Newton

#### **41. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

#### **42. DECLARATION OF INTERESTS**

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

Councillors R Boam, J Cotterill and M Specht declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as appointed Members by North West Leicestershire District Council of the Thringstone House Community Centre Executive Committee; therefore they would leave the meeting during the consideration and voting thereon.

Councillor J G Coxon declared a non pecuniary interest in items A1, application number 15/00306/OUTM, A3, application number 15/00499/FULM, A4, application number 15/00500/FULM and A7, application number 15/00710/FUL as a Member of Ashby de la Zouch Town Council and in A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as an appointed Member by Leicestershire County Council of the Thringstone House Community Centre Executive Committee, but he had not taken part in any discussions.

Councillor R Johnson declared a non pecuniary interest in item A2, application number 15/00032/FULM as a Member of Hugglescote and Donington le Heath Parish Council.

Councillor G Jones declared a non pecuniary interest in items A1, application number 15/00306/OUTM and A7, application number 15/00710/FUL as a Member of Ashby de la Zouch Town Council.

Councillor J Legrys declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as an acquaintance of one of the speakers; therefore he would leave the meeting during the consideration and voting thereon.

Councillor N Smith declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as he had been approached by the local school in relation to increased educational involvement but he took no part in the negotiations; he would however leave the meeting during the consideration and voting thereon.

Councillor D J Stevenson declared a non pecuniary interest in item A2, application number 15/00032/FULM as a friend of the applicant; therefore he would leave the meeting during the consideration and voting thereon.

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

Chairman's initials

applications below:

Item A1, application number 15/00306/OUTM  
Councillor J Hoult.

Item A3, application number 15/00499/FULM  
Councillors R Adams, R Canny, J Cotterill, J Hoult, R Johnson, G Jones and M Specht.

Item A4, application number 15/00500/FULM  
Councillors R Adams, R Canny, J Cotterill, J Hoult, R Johnson, G Jones and M Specht.

Item A5, application number 15/00510/FUL  
Councillor R Adams.

#### **43. MINUTES**

Consideration was given to the minutes of the meeting held on 4 August 2015.

Councillor R Johnson requested that a sentence under minute number 37 be amended to read 'The Senior Planning Officer assured Members that the noise assessment was undertaken at the facility and the recordings were assessed in a desk exercise.

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 4 August 2015 be approved and signed by the Chairman as a correct record.

#### **44. 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.

#### **45. A1**

##### **15/00306/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 91 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (OUTLINE ACCESS ONLY)**

Land North Of Butt Lane And East Of Hepworth Road Woodville/Blackfordby Swadlincote

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

The Planning and Development Team Manager presented the report to Members and read out a letter of objection from Andrew Bridgen MP:

Councillor S McKendrick, Ward Member, addressed the Committee. She informed Members that the village was a rural location and had a strong identity. She highlighted that the site was outside the Limits to Development and that the Greenfield space should be maintained to avoid urban sprawl. She raised concerns that there was no agreement to strengthen the infrastructure adding that the school would be oversubscribed and there was no capacity in any of the schools in Derbyshire therefore making the development unsustainable. She stated that the application was inappropriate and urged Members to refuse.

Mr M Ball, Town Councillor, addressed the Committee. He reminded Members that it was only three months since the last application was considered and it appeared that there were the same shortcomings, and stated that the village had no wish to be part of the South Derbyshire urban sprawl. He highlighted that:

Chairman's signature

- the site was outside the Limits to Development,
- the Council had its five year housing land supply,
- 91 dwellings would increase the size of the village by 25%,
- The school was at full capacity
- Residents of the development would be reliant on their cars, leading to an increase in traffic on a highway that was not fit for purpose,
- The proposed access was inappropriate,
- the sewers would not cope with the additional properties.

He urged the Committee to refuse the application.

Mr R Nettleton, objector, addressed the Committee. He expressed concerns that the location was unsustainable and over the impact that the development would have on the current drain and sewage system. He stated that the old system was over capacity and an additional hundred homes would add to the issue. He advised the Committee that the area had suffered from severe flooding seven or eight times a year and that the resident's fears of raw sewage in their houses and gardens should be a material consideration for refusal.

Mr R Woolston, agent, addressed the Committee. He advised the Members that the officer conclusion that the site was sustainable was fair and that the development would include walking and cycling links to both villages. He highlighted that there was already development on 3 sides of the site therefore this would be infill. He stated that the land was low quality farm land and the housing land supply was minimal therefore the development was considered acceptable in principle. He added that there were no technical objections or material reasons for refusal and urged Members to support the application.

A motion to refuse the application on the grounds that the development would be outside the Limits to Development and unsustainable was moved by Councillor J G Coxon and seconded by Councillor J Legrys.

Councillor J G Coxon stated that he was concerned that the development would ruin the separation and that space was needed between the villages to give identity. He felt it would not be sustainable and highlighted that the other local authorities had raised concerns over the development.

Councillor J Legrys stated that the coalescence of the villages needed to be considered to ensure that they kept their separate identities, and that if the development was approved there would be no separation of the counties. He expressed his surprise that the application had an officer stamp of approval when there were urban design issues and other authorities opposed the application with concerns of overloading services. He felt that that the lack of area separation was a good ground to reject the application.

Councillor V Richichi stated that the motion to refuse was the right direction and that the Committee was considering public opinion. He reiterated that the report stated that the site was outside the Limits to Development and added that a 25% increase would change village life. He expressed that he would not be supporting the application.

The Head of Planning and Regeneration advised Members that the application was for outline permission and that any urban design issues would be dealt with at the next stage, that there was a shortage of evidence to show the impact the development would have on services and that the authority could not force NHS England to ask for Section 106 contributions, therefore the development would be sustainable without the contributions.

RESOLVED THAT:

Chairman's signature

The application be refused on the grounds that the development would be outside the Limits to Development and unsustainable.

**46. A2**  
**15/00032/FULM: CONSTRUCTION OF 30 DWELLINGS WITH ASSOCIATED ACCESS AND OPEN SPACE**

Land Off Forest Road Hugglescote Leicestershire

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

Having declared a non-pecuniary interest, Councillor D J Stevenson left the chair and the meeting and took no part in the consideration or voting thereon.

Councillor J Bridges took the chair for the consideration of the item.

The Senior Planning Officer presented the report to Members.

Mr K Lawrence, agent, addressed the Committee. He stated that the application had varied during the process following discussions and all comments had been taken into account. He highlighted to Members that:

- There would be pedestrian links to proposed sites
- The sub-station would be relocated, but the location had not been agreed yet,
- A surface water proposal would be adopted by Severn Trent Water and
- A speed survey had been undertaken.

He reminded Members that there were no technical objections and urged them to approve the application.

The Senior Planning Officer advised Members that an additional note to the applicant, should the application be permitted, had been included in the update sheet.

The officer's recommendation to permit was moved by Councillor M Specht and seconded by Councillor G Jones.

Councillor R Johnson highlighted that the report stated that there were no previous planning applications on the site and advised that an application in 1997 for a bungalow was refused. He felt that all previous planning applications were relevant for Members to consider.

Councillor N Smith stated that he could not see how the application could be refused as there were no technical objections to it.

Councillor J G Coxon queried if the sub-station move would be funded by the developer.

Councillor M B Wyatt expressed concern over the volume of traffic along Forest Road and stated that the additional cars would have an adverse effect. He added that the application should be refused.

Councillor R Johnson advised the Committee that he had called in the application and that the reason for doing so was threefold. Firstly he felt that the application was premature and prejudicial in the bigger picture of the development of south east Coalville. He stated that the second was that there was no area of separation, highlighting that the Masterplan clearly showed that the paddock of land was intended to be kept as a green buffer area from the Forest Road residents to the Davidsons first phase of 81 homes and the second phase of 190 homes application that he expected to come to Committee in the not too distant future, which were the first of many as permitted by the Committee in the previous December. He added that there was to be 625 homes built between the old railway bridge on Grange Road up to Newbridge Academy, therefore Hugglescote would be taking 39%

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of all development envisaged in the new proposed Local Plan. He expressed his third reason was the most important and that was the proposed access onto an already dangerous road, stating that no matter how technical someone looked at it, it was very dangerous. Councillor R Johnson advised that a speed watch campaign was held every year by the Parish Council and there was always a consistency of speeding along the stretch of road. He stated that as a responsible planning authority the Council should be planning for the future of a bigger development not a piecemeal application, highlighting that the Davidsons application would have two access points onto Forest Road and there should be no reason to add a third. He expressed further concern that the applicant had not put anything into mitigation to address safety at the junction with Breach Road. He stated that it appeared that the developer had not consulted with residents as there were a number of proposed dwellings or garages that would abutt existing boundaries. He concluded by highlighting that the land was still used for grazing and that the residents who were given notice to quit the garages were now fighting for a space to park their vehicles adding congestion to Forest Road. He stated that he would be voting against.

Councillor D Everitt stated that the past planning history was relevant as if one bungalow was refused, why should 30 dwellings be permitted. He expressed concerns that there was no affordable housing proposed and that Forest Road was used as a cut through and should have been observed at all times of the day.

Councillor J Legrys expressed his despair at the number of piecemeal applications that were coming through and that a great debate had been had with Leicestershire County Council over the highways issues and disagreed with the conclusions reached by Leicestershire County Council. He stated that as a Ward Member for part of Forest Road he was fully aware of the number of traffic accidents that had happened and that local knowledge of the area should be taken into consideration, as the road required resurfacing and there were a number of sharp bends near the proposed access. He felt that the decision should be deferred until clarification over the responsibility of the sub-station could be sought. He also expressed concern that the future development of the area would lead to the roads becoming a Coalville by-pass and that the development was not sustainable on the District Valuer calculations. He added that he would be voting against the application.

Councillor J Bridges stated that his understanding was that the sub-station was going to be adopted.

The Head of Planning and Regeneration advised Members that all consultees were happy with the proposed method of surface water drainage and that the Local Lead Flood Authority should be satisfied with the relevant regulations.

Councillor G Jones stated that he was in support of the application as when they were out on the site visit he had not seen any traffic issues.

Councillor M Specht stated that at the current time only two thirds of the housing that was needed was being built. He highlighted that the site was sustainable and was within the Limits to Development and that the access issue could be resolved at when the full application came before the Committee.

Councillor R Johnson raised a point of order and drew Members attention to the fact the application was a full application not an outline one.

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

For the motion:

Councillors G A Allman, J Bridges, R Canny, J Cotterill, J Coxon, J Hoult, G Jones, N Smith and M Specht(9).

Chairman's signature

Against the motion:

Councillors R Adams, R Boam, D Everitt, R Johnson, J Legrys, V Richichi and M B Wyatt(7).

Abstentions:

None(0).

RESOLVED THAT:

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

Councillor D J Stevenson returned to the meeting and the chair.

47.

**A3**

**15/00499/FULM: THE DEVELOPMENT OF A NEW SOLAR FARM OF UP TO 5MW OF GENERATING CAPACITY, COMPRISING THE INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE INCLUDING ELECTRICAL INVERTER AND TRANSFORMER CABINS, SWITCHGEAR AND METER HOUSE, ACCESS TRACKS, FENCING, CCTV, LANDSCAPE PLANTING AND GRID CONNECTION.**

Land To The East Side B4116 Ashby De La Zouch And North Of Measham Road

Officer's Recommendation: Permit

Having declared non-pecuniary interests in both items A3 & A4, Councillors R Boam, J Cotterill, J Legrys, N Smith and M Specht left the meeting and took no part in the consideration and voting thereon.

The Senior Planning Officer presented the reports for A3 and A4 to Members.

The Planning and Development Team Manager read out a letter received from Andrew Bridgen MP:

Ms A Wilmot, objector, addressed the Committee. She advised Members that she had concerns over the substandard access to the site and that residents along the road already found it difficult to join from the right. She highlighted that badgers lived in the fields and this would affect their setts and that there were already four solar panel farms near Packington and that no thought had been given to the residents. She reminded Members that the local MP had stated that there was no longer pressure to approve the applications. She went on to advise the Committee that the applicant had made no contact with the residents of Park Farm and had not kept in touch and expressed concerns over who would dismantle and clear the land at the end of the 25 years.

Ms S Rickers, objector, addressed the Committee. She advised the Members that when she had attended a consultation on the application the main objection was the proposed HS2 line. She advised that the land owner had put in the application, however until any decision had been made on the line the application should remain in limbo. She added that a decision on HS2 was not expected until December at the earliest therefore the application should not be considered.

Ms S Bangert, agent, addressed the Committee. She advised the Members that both applications were sustainable and that the second application could not go ahead if the first was refused. She stated that the site was 1.6% of the farmholding and that sheep would still be able to graze in the area. She highlighted to Members that:

- the solar farm would be there for 25 years only,

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- there were more supporters than objectors,
  - It was one of many schemes nationally that was helping to meet the targets of reducing carbon emissions,
  - Members of the public had the opportunity to own shares in the site
- She concluded by urging Members to support the application.

Mr B Dodd, on behalf of Green Fox Community Energy, addressed the Committee. He outlined to Members the role that Green Fox Community Energy played in the application and that should the applications be permitted there would be a share opportunity for local residents. He advised Members that Thringstone Community Centre had approached the company as it was seeking other ways of generating income following grant cuts and that the small solar farm would generate some of the required finance. He urged the Committee to support the applications.

The officer's recommendation to permit was moved by Councillor M B Wyatt and seconded by Councillor D Everitt.

Councillor M B Wyatt stated that it was a good scheme for both the community and environment.

The Head of Planning and Regeneration clarified to Members that the highways authority had met them out on site and were happy with the access and that an additional condition was to be added. He advised Members that there was no HS2 easement that the authority had been notified of.

Councillor G Jones stated that he was not against solar panels but expressed concerns that the number of farms had blighted the area. He stated that in the future solar panel should be put on commercial buildings and felt that Packington or Ashby should benefit from the farms not Thringstone.

Councillor J G Coxon stated that he had the same concerns that the area was surrounded with solar panel farms and that valuable farm land was being lost. He questioned if there were any plans in place for when the site was decommissioned and that in future solar panels were placed on the roofs of buildings.

Councillor V Richichi raised concerns that the site was too close to dwellings, that it was in view of the traffic, that the land had a very good agricultural grading and that the local villages should benefit rather than a village further away.

Councillor D J Stevenson stated that it was not a material consideration as to who should benefit from the site.

Councillor R Adams stated that he did not like windmills, so preferred the solar panel farm, but raised concerns over enforcing the removal of the equipment.

The Head of Planning and Regeneration advised Members that the authority had the enforcement powers to ensure that the equipment would be dismantled and removed from the site if required.

Councillor D Everitt stated that the country needed renewable energy. He highlighted that the farm would not be seen from the road and that the badgers would still be able to exist. He advised that the concerns as to how the equipment would be removed and valuable land were weak against the strong reasons for needing to find more energy sources, adding he supported the application.

In response to a question from Councillor R Johnson, the Head of Planning and Regeneration confirmed to Members that the applicant was Solstice Renewables Ltd.

Chairman's signature

Councillor M B Wyatt advised that he would rather see a solar farm for 25 years than houses forever.

Councillor D J Stevenson advised Members that the land would come back to farming.

RESOLVED THAT:

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

- 48. A4**  
**15/00500/FULM: THE DEVELOPMENT OF A NEW SOLAR FARM OF APPROXIMATELY 1MW OF GENERATING CAPACITY, COMPRISING THE INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE INCLUDING ELECTRICAL INVERTER AND TRANSFORMER CABINS, SWITCHGEAR AND METER HOUSE, ACCESS TRACKS, FENCING, CCTV, LANDSCAPE PLANTING AND GRID CONNECTION.**

Land To The East Of B4116 Ashby De La Zouch And North Of Measham Road

Officer's Recommendation: Permit

The officer's recommendation to permit was moved by Councillor M B Wyatt and seconded by Councillor R Adams.

Councillor V Richichi stated that he felt that the piece of land in question would benefit from tree planting and was against the recommendation.

RESOLVED THAT:

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

Councillors R Boam, J Cotterill, J Legrys, N Smith and M Specht returned to the meeting.

- 49. A5**  
**15/00510/FUL: REMOVAL OF THE EXISTING 10KW WIND TURBINE AND INSTALLATION OF A 75KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE**  
Forest Way Area Special School Warren Hills Road Coalville

Officer's Recommendation: Permit

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

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor M B Wyatt.

Councillor M B Wyatt stated that he had received a couple of concerns from local residents, however he was a big supporter of wind turbines and was happy to support the recommendation.

RESOLVED THAT:

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

- 50. A6**

Chairman's signature



**15/00749/PDNATR: PRIOR APPROVAL NOTIFICATION FOR CHANGE OF USE FROM AGRICULTURAL BUILDING TO A RESIDENTIAL DWELLING**

Lowlands Farm Measham Road Oakthorpe

Officer's Recommendation: No Objections

The Planning Officer presented the report to Members.

The officer's recommendation for no objection was moved by Councillor J Legrys and seconded by Councillor M Specht.

RESOLVED THAT:

The prior notification be granted in accordance with the recommendation of the Head of Planning and Regeneration.

51.

**A7**

**15/00710/FUL: ERECTION OF TWO STOREY AND SINGLE STOREY SIDE AND REAR EXTENSIONS**

10 Churchill Close Ashby De La Zouch Leicestershire

Officer's Recommendation: Permit

The Planning Officer presented the report to Members.

Mr J Wesker, objector, addressed the meeting. He highlighted his objections that he had previously submitted, advising Members that:

- the extension would come right up to the boundary,
- the dormer windows would overlook his property, causing loss of privacy,
- the amended plans show a lower ridge, but only by 4%
- the report stated that it was typical of semi-detached properties, but advised the Committee that these were detached properties.

The officer's recommendation to permit was moved by Councillor J Legrys and seconded by Councillor J Cotterill.

RESOLVED THAT:

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

52.

**A8**

**15/00648/VCI: VARIATION OF CONDITIONS 2 AND 6 OF PLANNING PERMISSION 12/01006/FUL, SUBSEQUENTLY AMENDED BY APPLICATION REFERENCE 13/00695/NMA, TO RETAIN "AS BUILT" CHANGES**

Breedon Hall Main Street Breedon On The Hill

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor R Johnson.

RESOLVED THAT:

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

Chairman's signature

- 53. A9**  
**15/00637/LBC: RETROSPECTIVE APPLICATION FOR CONVERSION OF UNLISTED FORMER STABLE BLOCK WITHIN CURTILAGE OF LISTED BUILDING INTO 3 RESIDENTIAL UNITS INCLUDING EXTERNAL WORKS AND OFF-STREET PARKING**  
Breedon Hall Main Street Breedon On The Hill

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor R Johnson and seconded by Councillor J Legrys.

RESOLVED THAT:

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

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.28 pm