

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 JULY 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, D Harrison (Substitute for Councillor N Smith), J Hoult, R Johnson, G Jones, J Legrys, V Richichi, M Specht and M B Wyatt

In Attendance: Councillor T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mr J Knightley, Mrs A Lowe, Miss E Mattley and Mr J Newton

## **20. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor N Smith.

## **21. DECLARATION OF INTERESTS**

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

Councillors G A Allman, J G Coxon, J Hoult and G Jones declared non pecuniary interests in items A1, application number 15/00196/FULM, A2, application number 15/00354/OUTM, A3, application number 14/00769/OUTM and A6, application number 15/00278/FULM as members of Ashby Town Council.

Councillor J Bridges declared a non pecuniary interest in item A5, application number 15/00364/FUL as he had called in the application as Ward Member.

Councillor J Legrys declared a non pecuniary interest in item A4, application number 15/00147/FUL as an acquaintance of a number of objectors.

Councillor V Richichi declared a non pecuniary interest in item A4, application number 15/00147/FUL as an acquaintance of the applicant.

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

Item A1, application number 15/00196/FULM

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, M Specht, D J Stevenson and M B Wyatt.

Item A2, application number 15/00354/OUTM

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

Item A3, application number 14/00769/OUTM

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

Item A4, application number 15/00147/FUL

Councillors R Boam and J Legrys.

Chairman's initials

Item A6, application number 15/00278/FULM  
Councillor D J Stevenson.

## 22. MINUTES

Consideration was given to the minutes of the meeting held on 9 June 2015.

Councillor J Legrys moved that the final paragraph in relation to item A4 on page 10 be amended to read "The Legal Advisor gave advice that due to conflicting votes resulting in the application being undetermined and the unlikelihood that a decision would be reached along with the fact that there was currently a live appeal in relation to the previously refused application his advice was that, Members should move that the committee proceed to the next item of business under procedure rule 13.1.9 of the Council's Constitution. It was therefore moved by the Chairman and seconded by Councillor J Bridges'. This was seconded by Councillor R Johnson.

Councillor D J Stevenson stated that he personally believed that the minutes in front of them were correct.

Councillor J Bridges added that as the seconder he had read the minutes and felt they were correct.

The motion to move the amendment was put to the vote and LOST.

It was moved by Councillor J Bridges, seconded by Councillor M Specht and

RESOLVED THAT:

The minutes of the meeting held on 9 June 2015 be approved and signed by the Chairman as a correct record.

## 23. 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.

## 24. A1 15/00196/FULM: ERECTION OF 41 DWELLINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING THE PROVISION OF PLAY SPACE AND COMBINED CYCLE AND FOOTPATH (RESUBMITTED 14/00520/FULM)

Land At Wells Road And Willesley Road Ashby De La Zouch Leicestershire LE65 2QD

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor M Tuckey, on behalf of Ashby Town Council, addressed the Committee. She highlighted to Members the Town Council's objections. She stated that the development was not in accordance to the NPPF and not sustainable. She informed Members that there were no shops within walking distance, that the local schools were full and the area had been given a landscape quality of 9 which was the highest in the area and if the application was permitted, the beauty would be destroyed. She reminded Members that the Committee had previously refused the application and urged them to take the reasons into consideration.

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Mr D Trunkfield, objector, addressed the Committee. He advised that the key objections were as before. He informed Members that the site was un-sustainable and impacted on the landscape. He highlighted that when the application was previously refused it was a unanimous vote and the application had many similarities to the Packington Nook application that had also been refused. He stated to Members that the key services were further away than stated and officers should have advised them that the site was outside the Limits to Development. He urged the Committee to refuse the application.

Ms H Guy, agent, addressed the Committee. She advised Members that the applicants fully supported the officer's recommendation and highlighted that there were no technical reasons for refusing the application. She informed the Committee that there would be 12 affordable homes on the site, that a hard surface cycle track would be provided and provision for a children's play area and public open space.

Councillor J G Coxon moved that the application be refused on the grounds that the development was not sustainable and it was outside the Limits to Development. It was seconded by Councillor G Jones.

Councillor G Jones raised concerns that the site was not sustainable under the 2002 Local Plan and should be refused on the same grounds that the Lower Packington Road and Shellbrook applications were. He added that the development would not be consistent with the appearance of the rest of the town.

Councillor J Legrys expressed concerns that it was the third time that the application had been in front of Members and sought clarification that it was legal to do so and if it was legal was it moral.

The Legal Advisor confirmed that it was lawful as under section 70 of the Town and Country Planning Act 1990 an application must be determined when it is put before committee and reminded Members that they should make their decision based on the facts before them.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Canny, J Cotterill, J G Coxon, J Hault, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (12).

Against the motion:

Councillors J Bridges, R Boam, D Everitt, D Harrison, and M Specht (5).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the limits to development and it was unsustainable.

- 25. A2**  
**15/00354/OUTM: OUTLINE PLANNING APPLICATION FOR UP TO 70 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, NATIONAL FOREST PLANTING, LANDSCAPING, DRAINAGE INFRASTRUCTURE AND ACCESS OFF WOODCOCK WAY**

Land Adjoining Woodcock Way Woodcock Way Ashby De La Zouch Leicestershire LE65 1AX

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

The Principal Planning Officer presented the reports for A2 and A3 together, to Members.

Councillor M Tuckey, on behalf the Ashby Town Council, addressed the Committee. She advised Members that the Town Council was in objection to the application as the district had a 5 year housing land supply, the access to the development on Nottingham Road was unsuitable and the increase in traffic would add to an existing problem for local residents with the road being congested. She informed the Committee that the increase in traffic was a safety concern for the school nearby and that there had been several traffic accidents in the area, which the emergency services had found it an issue in getting through the traffic. She urged Members to consider the points that she had raised.

Mr T Gregory, objector, addressed the Committee. He advised Members that residents of Ashby were aware of the traffic issues along Nottingham Road and the lengthy queues during the peak times. He highlighted that should the development go ahead there would be a 25% increase in the amount of traffic. He informed the Committee that the authority had enough housing land supply and that brownfield sites should be used instead. He added that residents were not against the bigger Money Hill development, but only when the time was right. He urged Members to refuse the application on the grounds that it was contrary to policies S3, H4/1, E6 and NPPF 32.

Mr S Lewis-Roberts, agent, addressed the Committee. He advised Members that following the deferral of the previous application, the applicants had now provided further information in respect of access to the site and sustainability, and proposed that 30% of the site would be affordable housing. He informed Members that should they be minded to permit the application, the applicants would withdraw the appeal on the previous application. He highlighted to Members that the site was close to the town centre, that there were no technical issues with the application, including no objections from the highways authority and Section 106 contributions had been agreed. He stated that the district need to maintain its housing land supply and that the application should be granted.

Councillor G A Allman moved that the application be refused on the grounds that the site was outside the Limits to Development and there was inappropriate vehicle access. It was seconded by Councillor J Hoult.

Councillor J G Coxon stated that the district had met its 5 year housing land supply and that the application was a piecemeal application of a much larger site, which it was not acceptable to pick bits from as there would be no infrastructure. He added that Nottingham Road was over capacity and the local knowledge on the traffic issues was much more valuable. He expressed that he would be voting in support of Councillor Allman's motion.

Councillor V Richichi stated that he did not like the application as the area was too congested and that he would not be voting in favour of the application.

Councillor J Hoult stated that he had lived opposite Woodcock Way and had seen the traffic issues on Nottingham Road. He highlighted to Members that it was up to the Committee to get the issue of access right for the area.

Councillor G Jones stated that the schools in the area were at full capacity with more developments to come and that he was totally against the application before them, but not

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the whole Money Hill development. He added that the traffic on Nottingham Road was already excessive and expressed that the application was contrary to policy E6.

The Head of Planning and Regeneration advised Members that because the proposal was in outline, which establishes the principle of development, and that the indicative images suggested potential connection with the wider money hill scheme, it would not compromise a comprehensive scheme, and urged Members to steer away from refusing permission on that ground. He highlighted that the clear advice of the county highway authority was that traffic from 70 extra homes emptying onto Nottingham Road via Woodcock Way would not take the traffic congestion situation along Nottingham Road to severe. He added that education contributions had been agreed within the Section 106.

The Planning and Development Team Manager advised Members that the motion to refuse on grounds that the application would be contrary to S3 would not be defensible on this occasion.

Councillor J Bridges stated that the application before them was a back door development, but could understand where officers were coming from. He felt that the application was speculative and that Members wanted to see the bigger picture however the Committee had to determine the application that was in front of them. He advised that he would have to vote in favour of the application, even though he did not like it and added that developers did not think of the masterplan.

Councillor D J Stevenson stated that the access was satisfactory to normal developments, but he felt that Nottingham Road was not normal.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Harrison, J Houl, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (14).

Against the motion:

Councillors J Bridges, D Everitt, and M Specht (3).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the Limits to Development there was inappropriate vehicle access and was contrary to policy S3.

26.

**A3**

**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 OTHER THAN PART ACCESS RESERVED)**

Land Adjoining Woodcock Way Woodcock Way Ashby De La Zouch Leicestershire LE65 1AX

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

The Principal Planning Officer had presented the report to Members during the previous item and had nothing further to add.

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Mr T Gregory, objector, addressed the Committee. He raised concerns over the traffic impact assessment stating that it was relaxed. He highlighted that the lanes would not be wide enough, the visual sight on to Nottingham Road required maintenance and that the pedestrian refuge was not wide enough. He informed Members that the Nottingham Road was already congested with 15,000 cars before any further development took place.

Councillor G A Allman moved that the application be refused on the grounds that the site was outside the Limits to Development, inappropriate vehicle access and was contrary to policy S3. It was seconded by Councillor J G Coxon.

Councillor D J Stevenson having requested a recorded vote, the vote was as follows:

For the motion:

Councillors R Adams, G A Allman, R Boam, R Canny, J Cotterill, J G Coxon, D Harrison, J Hoult, R Johnson, G Jones, J Legrys, V Richichi, D J Stevenson and M B Wyatt (14).

Against the motion:

Councillors J Bridges, D Everitt, and M Specht (3).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that it was outside the Limits to Development, there was inappropriate vehicle access and was contrary to policy S3.

27.

**A4**

**15/00147/FUL: ERECTION OF 1 NO 500 KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE**

Land West Of Heather Lane Heather Lane Ravenstone Coalville Leicestershire LE67 2AH

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Parish Councillor S Lunn, on behalf of Ravenstone with Snibston Parish Council, addressed the Committee. She advised Members that when the application had been discussed at the Parish Council, all Members expressed objection. She stated that the objections were that it would have a visual impact, it was too close to the school, which in turn would cause health issues for the children in attendance, that the site of the turbine did not take into consideration the habitat of birds and wildlife. She highlighted that the new development of Heather Lane would be only 700ms from the site with the guidance stating that it should be no less than 2000ms away. She expressed concern that the turbine would have no benefit to the village and felt that the village had suffered enough already.

Mr G Ensor, objector, addressed the Committee. He informed Members that it was felt that the application was not needed and that there was now enough onshore energy to meet the 2020 targets. He highlighted to Members that following new guidance that had been released on June 18<sup>th</sup> development should only continue if planning consent had been given and therefore 200 schemes had been scrapped. He expressed to Members that villagers views had not been taken in to consideration, that the wildlife survey had not

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included migrating birds and that it was quite clear on balance the turbine was not needed.

Mr D Wheeler, agent, addressed the Committee. He advised Members that wind turbines were the cheapest form of energy and that with climate change all energy sources must be secured. He advised that the applicant had sited one near to the Severn Trent facility and that no residents had experienced issues from shadow flicker or noise and that the turbine could be seen from a distance. He informed Members that the local community would receive a direct benefit as the energy would be directed to the locals rather than being lost to the National Grid. He urged Members to send a message for the future generation and support the application.

The Head of Planning and Regeneration advised Members that as the application was already in the system prior to the Ministerial statement of 18<sup>th</sup> June 2015, the application was to be considered under the transitional arrangements.

In response to a question from Councillor R Johnson, the Head of Planning and Regeneration advised Members that the woodland was approximately 500ms away.

Councillor M Specht felt that the turbine would be located near to new woodland not ancient like Holly Hayes. He expressed concerns that the applicant had not consulted with residents appropriately. He moved that the application be refused on the grounds of visual intrusion. It was seconded by Councillor J Legrys.

The Senior Planning Officer stated that the results from the consultation were contained within the Statement of Community Involvement submitted with the application.

Councillor V Richichi stated that there was a turbine 20 yards from the new jubilee wood that could be seen from most of the district and highlighted that there were no objections from the National Forest.

Councillor D Everitt stated that the application should be permitted as there was a need to provide renewable energy for the future generations. He stated that technology would move on and turbines would be replaced by better alternatives in years to come. He urged Members to think of the future and permit.

Councillor M B Wyatt stated that there were several wind turbines in his ward and he had not yet received any complaints about them. He felt that they should be put up and that they were not a blot on the landscape.

Councillor D J Stevenson stated that he hated wind turbines, however he had not yet found a reason to refuse one.

The motion to refuse the application was put to the vote and LOST

The officer's recommendation was put to the vote

RESOLVED THAT:

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

- 28. A5**  
**15/00364/FUL: PROPOSED ERECTION OF 2 NO. DETACHED DWELLINGS, ACCESS & PARKING**  
 33 Ashby Road Moira Swadlincote Derby DE12 6DJ

Chairman's initials

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

The Senior Planning Officer presented the report to Members.

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

Councillor D Harrison stated that it was a perfect site for development.

RESOLVED THAT:

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

**29.**

**A6**

**15/00278/FULM: CONSTRUCTION OF ACCESS ROAD AND ASSOCIATED SERVICES TO SERVE EXISTING VACANT SITE AND ERECTION OF FOUR LIGHTING COLUMNS**

Land At Smithy Road Ashby De La Zouch Leicestershire LE65 1JG

Officer's Recommendation: PERMIT

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

Mr N Marchini, agent, addressed the Committee. He advised Members that the proposal was for a new road that was designed to service the site that the applicant had bought four years previously. He stated that a new access road would make the site more attractive to prospective developers and that any detailed development proposals would be subject to a specific planning application. He informed Members that the applicant was happy to accept the condition in relation to security and that there was no valid reason to refuse.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor D J Stevenson.

Councillor J Legrys stated that he had expressed concerns over the security of the site and thanked the agent for advising that the applicant would accept the condition on security. He sought clarification on whether the lights, once erected, would be lit.

The Head of Planning and Regeneration advised members that the Committee could specify if the lights were lit whilst the site was vacant.

Councillor J Legrys requested that it was specified that the site was not lit whilst vacant.

Councillor D J Stevenson agreed with the specification and stated that to help with the sale of the site the access road was required.

Councillor G Jones felt that there should be a condition for the lights to be solar powered.

Councillor J G Coxon stated that the Town Council had been very sceptical about the application and that he would prefer to see the whole scheme for the site.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration with an additional condition relating to when the columns can be lit.

Chairman's initials



**30. PROPOSED ALTERATIONS TO SECTION 106 OBLIGATIONS REQUIRED IN ASSOCIATION WITH RESIDENTIAL DEVELOPMENT AT FORMER FOREST WAY SCHOOL**

The Principal Planning Officer presented the report to Members.

It was moved by Councillor R Adams, seconded by Councillor J Bridges and

RESOLVED THAT:

The amendment of the previously agreed obligations so as to secure all units as affordable housing and with no obligations in respect of bus passes, children's play, civic amenity, libraries, national forest planting, travel packs and Section 106 monitoring, the precise wording of which be delegated to the Head of Legal and Support Services, and limited to a period of three years be agreed.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.15 pm