

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 JULY 2016

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, J Geary (Substitute for Councillor R Johnson), D Harrison, J Hoult, G Jones, J Legrys, P Purver (Substitute for Councillor R Boam), V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors G A Allman

Officers: Mr C Elston, Mr J Knightley, Mr J Mattley, Mr A Mellor, Mrs M Meredith, Mr J Newton and Miss S Odedra

## **11. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Boam and R Johnson.

## **12. DECLARATION OF INTERESTS**

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

Councillors R Adams, J Bridges, R Canny, J G Coxon, D Everitt, D Harrison, J Legrys, M Specht, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A1, application number 16/00296/FUL.

Councillors R Canny, J Cotterill, J Legrys, M Specht, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A2, application number 16/00296/FUL.

Councillor R Canny declared a non pecuniary interest in item A2, application number 16/00296/FUL, as the ward member.

Councillors J Bridges, R Canny, D Everitt, D Harrison, J Hoult, G Jones, P Purver, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt declared that they had been lobbied without influence in respect of item A3, application number 15/00512/OUTM.

Councillor J G Coxon declared a non pecuniary interest in item A3, application number 15/00512/OUTM as a member of Ashby de la Zouch Town Council.

Councillors R Adams, D Everitt, J Geary and J Legrys declared a pecuniary interest in item A3, application number 15/00512/OUTM due to representations made by the Ashby de la Zouch Labour Party.

Councillors R Canny, V Richichi, M Specht and D J Stevenson declared that they had been lobbied without influence in respect of item A4, application number 16/00450/FUL.

Councillors R Canny, J Legrys and M Specht declared that they had been lobbied without influence in respect of item A5, application number 16/00160/FUL.

Councillors R Canny and M Specht declared that they had been lobbied without influence in respect of item A6, application number 15/00948/FUL.

## **13. MINUTES**

Consideration was given to the minutes of the meeting held on 7 June 2016.

Chairman's initials

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

RESOLVED THAT:

The minutes of the meeting held on 7 June 2016 be approved and signed by the Chairman as a correct record.

#### **14. 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.

#### **15. A1 16/00296/FUL: CHANGE OF USE FROM AGRICULTURAL FIELD TO SHOWMAN'S YARD**

Field Adjoining Ashby Road Belton Leicestershire

Officer's Recommendation: REFUSE

The Senior Planning Officer presented the report to members.

The Senior Planning Officer read out a letter from Councillor N Rushton placing on record his opposition to granting the change of use, his reasons for that, and urging Members to refuse the application.

The Planning and Development Team Manager read out a letter from Andrew Bridgen MP placing on record his opposition to granting the change of use, and urging members to refuse the application.

Mrs N Burbidge Mullen, representing the Parish Council, addressed the committee. She stated that the Parish Council objected to the application due to concerns about highways safety, the speed of traffic, the visibility of the site and previous near misses. She asked members to bear in mind that the Highways Authority refused to allow the school bus to drop children off on the opposite side of the road as it was not deemed safe and there were no plans to install a much needed crossing.

Mrs R Groves, objector, addressed the meeting. She stated that the proposed site was a Greenfield site and outside the Limits to Development as per the Local Plan, and the application did not meet any of the exception criteria. She added that the Highways Authority had advised refusal of the application as the impacts were severe and their concerns had not been addressed by the applicants. She expressed concerns regarding the existing accident record on this stretch of road, the lack of lighting, the lack of a footpath and the excessive speed of traffic recorded by speedwatch. She felt that the access needed to be widened and most of the hedge removed to enable use by large vehicles, contrary to the ecology report. She felt it would be inappropriate and non compliant to allow the extensive list of equipment to be sited there. She stated that the proposal would be totally incompatible and alien to the rural character of village, and the application had totally disregarded the guidance from the showman's guild on the suitability of locations for yards. She made reference to the 4 showman's plots recently approved by Charnwood Borough Council which she felt could satisfy the needs of the proposed development. She stated that the community had worked hard to protect the visual and rural amenity of the village and she asked members to consider the impact this would have upon it. She concluded that there were valid reasons to refuse the application, the showman's yard would be in direct line of site of the recreation ground resulting in a loss of amenity, and permitting it would set a dangerous precedent for future development.

Chairman's initials

It was moved by Councillor J Legrys, seconded by Councillor J G Coxon and

RESOLVED THAT:

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

16.

**A2**

**16/00027/FULM: ERECTION OF 13 DWELLINGS ALONG WITH VEHICULAR ACCESS, LANDSCAPING AND CAR PARKING**

Land At The Spittal Castle Donington Derby DE74 2NQ

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

The Senior Planning Officer presented the report to members.

Mr R Sizer, representing the Parish Council, addressed the committee. He stated that Castle Donington Parish Council had always objected to proposals for development on this site as it formed a green corridor including Spittal Park between the industrial estate and the village rich with wildlife. He explained that the main concern was access and egress to the site as this was via a very narrow lane, and the attempt to address this issue was nowhere near adequate, as the hill was very steep. He advised that Spittal Park had a skate park and a multi use gym area, and the through walk to the centre of the village could get busy with the events held at the park. He stated that the extra traffic generated by the development would be detrimental to the safety of pedestrians and the many unaccompanied youngsters using the park. He added that the site was a designated area of sensitivity being on the edge of a conservation area and there was a history of subsidence on the site with the retaining walls collapsing, which he felt could be attributed to the run-off water from the top of hill. He felt that the proposed white render would not allow the houses to blend into the hillside and would be an eyesore on the entrance of the conservation area. He stated that there was a history of refused developments on this site. He made reference to the proposed woodland walk which crossed land owned by the Parish Council and no permission had been sought to do so.

Mrs S Clarke, objector, addressed the meeting. She spoke on behalf of local residents who objected to the proposed development as they felt the village had made its fair contribution to future homes. She expressed concerns regarding flooding, as the proposed development was on a steeply sloping site which would increase the surface water running on to The Spittal, impacting upon the use of the playing fields. She added that the lack of facilities had led to anti social behaviour in the past and the Parish Council had worked hard to make improvements. She added that youngsters met opposite the development site and the area was currently shielded. She expressed concerns that potential residents whose properties would face The Spittal would object to the noise which may lead to restrictions on the use of the facility. She also expressed concerns regarding the access as The Spittal was narrow with limited lighting, and the proposed widening utilised land not in the ownership by the applicant. She stated that the development site was the last remaining green area in the village providing a wildlife habitat, and the area had a sensitive eco system, the balance of which would be jeopardised. She added that the village was surrounded by significant polluters and such green areas were needed to improve the health of local residents. She concluded that residents were not opposed to good development, however they felt that this was tick box architecture with unsympathetic design and materials being used.

Mr L Wiggins, agent, addressed the committee. He stated that whilst the site was located in a sensitive area, important landscape features would be retained to screen the development. He added that the sensitive area designation was not being carried forward into the new Local Plan and so could be given little weight. He added that there were no

Chairman's initials

technical objections to the scheme. He acknowledged the concerns of the Parish Council in respect of pedestrian safety, however the Highways Authority had raised no objections subject to the road being widened. He added that there was extensive open space nearby and the officer's report stated that the proposals would not give rise to a significant loss of amenity.

Mr C Twomey, architect addressed the committee. He summarised that the development had been designed with sensitivity to the ecology, topography and character of the site. He added that just 13 dwellings were proposed along with a new woodland walk providing residents with access to a community orchard. He advised that the applicant hoped to connect the woodland walk to Campion Hill and would be pleased to discuss this further with the Parish Council. He concluded that the proposal would create truly distinctive sustainable development with a strong sense of place. He pointed out that the scheme had been assessed by the Council's Urban Designer, and awarded 12 green out of 12 under the Building for Life. He urged members to support the officer recommendation.

Councillor R Canny – moved that the application be refused on the grounds that the development site was a greenfield site in a sensitive area, and the character and design was not appropriate for the site. She also expressed concerns regarding ecology and drainage issues. The motion was seconded by Councillor M B Wyatt.

Councillor R Canny stated that the officer's recommendation to permit the application balanced the sustainability of the development and the presumption in favour of development with the issues raised, and she asked members to consider whether this balance was fair or correct. She reiterated that the site was a Greenfield site and a designated area of sensitivity as it adjoined the conservation area, and Policy E1 protection was currently in place. She added that when this lapsed this did not mean that the site was no longer a sensitive area to all those who used the park and lane. She stated that Spittal Park was a meeting place for the whole of Castle Donington and outlined the various events which took place there. She added that Spittal Lane in itself was a much loved semi-pedestrianised rural lane enjoyed by dog owners and walkers, providing a wealth of wildlife and encouraging an ecologically sound method of accessing the village. She felt that the proposals would completely alter the character of the lane. She highlighted the seven applications on the site which had already been refused, all of which were for single dwellings. She added that she could not agree with the urban design assessment, as the integration of the site into the surrounding area did not visually respect the character of the area. She stated that she appreciated that planning should not stifle innovation, however she referred to NPPF paragraph 58, which clearly stated that developments should respond to the local character and history and reflect the identity of the surroundings. She also made reference to paragraph 66 of the NPPF which stated that the view of community should be taken into account and she highlighted that no one she had spoken to had anything positive to say about this development. She stated that this very modern, minimalist design was not innovative, it was urban and was not suited to this area. She added that the highly visible 3 and half story buildings would not blend in to the landscape. She commented that the ecology issues had supposedly been solved, however the loss of foraging ground for wildlife on the site had not been accounted for. She added that the diverse wildlife had nowhere else to go as Spittal fields would not support it. She stated that the site was the only green lung in the village which helped with pollution issues. She expressed concerns regarding the white render.

The Chairman advised Councillor R Canny that she had spoken for 5 minutes in total.

Councillor G Jones stated that this was a low density proposal and he considered the architecture to be innovative. He added that it met 12 of the green building for life criteria and his only concern was water run-off. He concluded that on balance he would support the officer's recommendation.

Councillor D Everitt stated that Castle Donington had contributed a great deal of development and he felt great sympathy with the residents. He felt that another important part of the green space would be lost and that there was the possibility of flooding problems. He also felt what was important to the villagers should be valued, and he questioned why villages continued to be attacked from the inside. He stated that this seemed wrong to him, especially in a village that had contributed to development needs so much.

Councillor D Harrison expressed concerns that any water problems would render damage to the construction unless it was really secured. He also expressed concerns about the elevations and stated that he was not comfortable with this scale of development in that area.

Councillor N Smith stated that the design did not suit Castle Donington as it was out of character and that he would be voting against the proposals.

Councillor J Legrys expressed deep concerns about the design of the buildings in that location, particularly with the white render. He also felt that the proposals simply wouldn't work, and expressed concerns that it would not be possible for the dwellings to be constructed conventionally.

Councillor M Specht commented that the site was merely an overgrown and unkempt paddock, and he had been minded to support the officer's recommendation; however having listened to the speakers and considering the design aspects, he felt he had to agree with the motion to refuse the application.

The Chairman then put the motion to the vote.

It was moved by Councillor R Canny, seconded by Councillor M B Wyatt and

RESOLVED THAT:

The application be refused on the grounds that the development site was greenfield and in a sensitive area, and the character and design, together with the site's prominence due to the topography, was not appropriate.

17.

**A3**

**15/00512/OUTM: DEVELOPMENT OF 605 RESIDENTIAL DWELLINGS INCLUDING A 60 UNIT EXTRA CARE CENTRE (C2), A NEW PRIMARY SCHOOL (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 NOTTINGHAM ROAD (OUTLINE ALL MATTERS OTHER THAN PART ACCESS RESERVED)**

Money Hill Site North Of Nottingham Road And South Of A511 Ashby De La Zouch  
Leicestershire

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

Having declared a pecuniary interest in this item, Councillors R Adams, D Everitt, J Geary and J Legrys left the meeting during consideration of this item and took no part in the discussion or voting thereon.

The Principal Planning Officer presented the report to members.

Councillor G A Allman, ward member, addressed the committee. He stated that one could measure the strong feelings about what wicked developments were being planned for the town which would irreversibly change it for our children. He highlighted that the impact of

Chairman's initials

such a development would result in the junction with the A42 at Flagstaff island being oversaturated, and any such development should only take place once this had been mitigated. He asked what infrastructure plans there were for in place for this, and stated that the application was rendered undeliverable if there were none. He respectfully reminded members that planning applications had to be sensible, and he pleaded passionately with the committee to listen to the residents of Money Hill and Ashby de la Zouch as a whole. He quoted from the Local Plan which stated that the purpose of planning was to help achieve sustainable development, which meant ensuring that providing for the needs of the current generation did not make life worse for future generations, and this proposal most certainly would.

Mr M Ball, representing the Town Council, addressed the committee. He reiterated his concerns about the perils of Nottingham Road and the opposition to building an access onto it from the Money Hill development. He added that when the planning inspector approved the development, he concluded that the proposed development would not compromise highway safety or result in any significant increase in congestion because the entire access was from the bypass; however this application was very different and would result in up to 450 extra vehicles using Nottingham Road every morning and evening. He expressed concerns regarding the additional traffic and stated that in reality the road was already saturated and dangerous for residents. He commented that millions was spent bypassing Ashby de la Zouch to reduce this misery and this would tip it over the edge. He made reference to the endorsement of the Local Plan which meant it now carried weight. He urged members to utilise policy H3 and highways safety as firm ground to refuse an application which placed developer profits over public safety.

Ms L Titley, objector, addressed the meeting. She stated that residents risked life and limb to exit their driveways onto Nottingham Road and Wood Street every day, as the road was blighted by tailbacks, congestion and speeding cars. She commented that two bypasses had been built, but congestion was now at pre-bypass levels. She added that residents had been witness to accidents. She expressed concerns regarding the safety of children, residents and road users. She commented that the traffic flow data was out of date and the proposed access was 6 metres wide against guidelines. She commented that Ashby was a historic town and that this road and junction belonged in the past and she urged members not to risk the safety of residents by accepting it.

Mr J Bompas, agent, addressed the meeting. He stated that this outline application was very similar to that approved by the Secretary of State and differed only in the provision of vehicular access onto Nottingham Road and a new car park, which had been identified by the Town Council as being needed to support the vitality of the town centre. He added that since the approval of the previous application, this development had been fully incorporated into the wider fabric of planning policy by its inclusion in the draft neighbourhood plan and the Local Plan. He commented that where the application differs from the existing consent, this had been discussed in detail with the Highways Authority and the Town Council. He explained that the proposed access was entirely subservient to the main access, and the Nottingham Road access would serve a limited number of dwellings, and would be utilised primarily for buses and to allow access to the new primary school and car park. He added that the impact on the A511 had been fully tested through the appeal and the Highways Authority had confirmed that the proposed access would result in no significant increase in congestion. In addition he stated that the proposed car park has been enlarged to address the shortage of parking.

Councillor D J Stevenson commented that he was bitterly disappointed that the access was not solely off the bypass.

It was moved by Councillor D J Stevenson, seconded by Councillor J G Coxon and

RESOLVED THAT:

Chairman's initials

The application be deferred to allow further consideration of site access arrangements, with the preference remaining for this to be from the bypass only.

**18. A4**

**16/00450/FUL: ERECTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED OFF-STREET PARKING AND NEW VEHICULAR ACCESS OFF MANOR DRIVE**

Land Off Manor Drive Worthington Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to members.

It was moved by Councillor D J Stevenson, seconded by Councillor J Bridges and

RESOLVED THAT:

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

**19. A5**

**16/00160/FUL: INSTALLATION OF NEW SHOP FRONT AND AIR CONDITIONING UNIT (RETROSPECTIVE APPLICATION)**

Rose Of Bengal 42 Borough Street Castle Donington Derby DE74 2LB

Officer's Recommendation: REFUSE

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

Mr R Sizer, representing the Parish Council, addressed the committee. He stated that the centre of Castle Donington was promoted by traders as a historic market town, and the Rose of Bengal was located in a conservation area. He advised that the Parish Council objected to the application on the grounds that the renovations to the shop front did not accord with the Council's guidance, which he made reference to. He highlighted the importance of context, as shop fronts were never seen in isolation, and should respect the building it formed part of and the wider streetscene. He also advised that shop fronts were to be timber constructions, usually, but this was pvc. He also made reference to policy HE1 which stated that heritage assets should be enhanced or preserved.

Mr R Morrell, agent, addressed the committee. He said that pre-application advice had been sought by himself with his client present, and they had been informed that there were no restrictions on the shops on Borough Street. He added that he had dealt with many applications in conservation areas over the years. He explained that one of the key points requested by his client was better access for the disabled, as there were changing floor levels inside the shop. He stated that under Building Regulations the design of windows must comply with zero carbon emissions and that this was achieved via large panel double glazing. He also added that sound tests were also requested by building control as was a noise pollution audit, which also formed the requirement of the windows. He advised that the plans were submitted to the local building control and all other alterations were successfully approved. He stated that no consultation between building control and development control had ever taken place. He reiterated that all requirements had been fulfilled and advice sought on the design of the shop front.

The motion to move the application in line with officer recommendation was put to members and was moved by Councillor J Bridges, seconded by Councillor R Canny.

Councillor D Everitt stated that there must be documentation to verify the facts raised by the agent. He added that what concerned him was the way in which the shop front projected forward and how the shop front looked considering the rest of the streetscene. He also considered it amazing that one would undertake work in a conservation area without knowing the regulations and being liable. He sought clarification on how long the shop front had been in existence.

Councillor R Canny clarified that the forward projection was not original, but had been undertaken many years ago and was not part of this renovation. She stated that the property was previously a cake shop and that there had been no problems with disabled access. She made reference to the Council's policies and stated that the character that was there had been completely taken out. She added that the Parish Council wanted to encourage people to consult with them and take on board the guidelines when they were replacing windows. She felt that the Parish Council ought to be afforded some weight to enable them to take control of this historic village. She added that the window could have been improved significantly by working with officers and taking on board the guidance.

Councillor D Harrison expressed concern that the applicant could receive a substantial penalty which could jeopardise their business when they believed they had followed the due process and were doing nothing wrong.

The Head of Planning and Regeneration stated that he had spoken with colleagues and there was no building control requirement that resulted in the shop front needing to be replaced. He added that building control would not check as a matter of course whether planning permission was required, and it was the applicant's responsibility to do so. He explained that there was no formal record of pre-application advice being given in this case, and he was certain that if it had been, the advice would have been that a planning application was needed. He concluded therefore that the applicant had taken a risk and had completed the work without obtaining planning permission. This had subsequently been investigated by the enforcement team, and assessed by officers. It was considered by officers that, had the application been submitted before the works were carried out, some improvements could have been achieved, hence the recommendation.

Councillor V Richichi stated that the shop front was not in keeping with the locality and expressed concerns that this had been rushed through.

Councillor D J Stevenson clarified that what was under discussion was only the window and the door, which was virtually the same as the one next door and the Co-operative store opposite.

Councillor M Specht felt removing the glass panes and inserting Georgian bars would not be too onerous a cost, and therefore he supported the officer's recommendation.

The application was moved to the vote and it was

RESOLVED THAT:

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



**20. A6**  
**15/00948/FUL: PARTIAL DEMOLITION OF FARM BUILDING, CONVERSION AND EXTENSION OF REMAINING FARM BUILDINGS TO FORM TWO DWELLINGS ALONG WITH THE ERECTION OF SIX ADDITIONAL DWELLINGS AND ALTERATIONS TO VEHICULAR ACCESS**

Village Farm 36 Hall Gate Diseworth Derby DE74 2QJ

Officer's Recommendation: PERMIT

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

Mrs C Chave, agent, addressed the committee. She outlined the context to the request to remove the affordable housing obligation and made reference to the unfortunate timing of the high court decision and the subsequent reinstatement of the threshold by the court of appeal. She added that this sort of proposal should be encouraged and was why the national threshold was introduced. She stated that this was an exempt scheme and hoped members would support the proposals.

It was moved by Councillor J Bridges, seconded by Councillor J Legrys and

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 6.16 pm