

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 17 FEBRUARY 2015

Present: Councillor J Bridges (Chairman)

Councillors D De Lacy, C Large, J Legrys, V Richichi and S Sheahan

In Attendance: Councillors R Johnson, T J Pendleton and A C Saffell

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mr D Gill, Mr I Nelson and Mr J Newton

**41. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R D Bayliss.

**42. DECLARATION OF INTERESTS**

There were no interests declared.

**43. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 12 November 2014.

In response to a question from Councillor D De Lacy, the Director of Services advised that where there was a recommendation in a report to note the comments of the Advisory Committee and diametrically opposite views had been expressed by members, the subsequent report would contain an officer recommendation, however all views expressed would be noted within the report.

It was moved by Councillor J Legrys, seconded by Councillor V Richichi and

RESOLVED THAT:

The minutes of the meeting held on 12 November 2014 be approved and signed by the Chairman as a correct record.

**44. COMMITTEE TERMS OF REFERENCE**

By affirmation of the meeting it was

RESOLVED THAT:

The Terms of Reference be noted.

**45. LIMITS TO DEVELOPMENT AND TOWN CENTRE BOUNDARIES**

The Director of Services presented the report to members, which was further to the initial report considered by the Advisory Committee in September. He reiterated that members had asked for engagement to take place on the limits to development and the town centre boundaries. He advised that the report documented what had taken place and the comments received during the consultation process. He added that the maps appended to the report showed those areas where officers considered that there may be some merit to amending the boundaries as a result of the comments received, and therefore where no map was provided, there was no proposed change to the boundaries.

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The Chairman advised that he had received a request to speak to this item from Councillor A C Saffell, and he would invite him to speak at the appropriate time during the debate.

Councillor S Sheahan commented that the map for Moira was missing quite a bit of the village, including Donisthorpe Lane and Measham Road. He acknowledged that it would have been difficult to fit it all in however it would have been helpful to see the whole village.

The Planning Policy Team Manager acknowledged this point, and advised that as there were no changes proposed to that part of Moira, the map had been enlarged for clarity.

Councillor S Sheahan requested that clearer maps be made available in future.

Councillor C Large highlighted the section of the report which referred to the Retail Capacity Study, which would take into account issues such as future housing growth. She stated that Castle Donington had a proposed diminished town centre boundary with future housing growth. She commented that it could be argued changing the boundary in this way was premature taking into account the proposed development. She added that in Melbourne, for example, the shops had spread up the main street as a result of increased housing, and she had concerns that such an opportunity might be missed in Castle Donington if the boundary was reduced.

The Planning Policy Team Manager stated that the approach taken followed advice in national planning policy, which was to focus on existing uses. He added that in Borough Street, there was also some residential use, so there was some scope there for retail uses to take over these premises at a future date. He advised that officers were seeking to ensure that the town centre boundary was defensible in line with the guidance in the National Planning Policy Framework (NPPF).

Councillor C Large asked when the results of the Retail Capacity Study would be available.

The Planning Policy Team Manager advised that a draft report was expected imminently. He clarified that this would be a district level study.

The Chairman invited Councillor A C Saffell to speak as the Castle Donington town centre boundaries were currently under discussion.

Councillor A C Saffell stated that a survey had been undertaken which identified the shops outside of the retail area. He stated that there was a shop at 10 Bondgate which was outside the town centre boundary, however the pub next door was within the boundary.

Councillor J Legrys sought to raise a point of order in that members did not have any plans before them with reference to the points being raised. He stated that he welcomed the debate but sought guidance on what was under discussion. He added with respect that if the discussion was being opened up to areas that were not contained within the report, he would wish to discuss Coalville town centre.

The Chairman stated that any concerns would be heard and considered by officers after the meeting. A full debate would then follow at a future meeting.

Councillor A C Saffell stated that he did not understand how the boundaries had been drawn, especially as the population of Castle Donington was likely to increase by up to 50%. He felt that there needed to be some flexibility in the plans to accommodate this. He asked why the business centre was not within the town centre boundary when it was

near to shops. He also referred to a plan which had been discussed at the Parish Council meeting and asked what had happened to this.

The Planning Policy Team Manager reminded members that determining a town centre boundary did not signify that there was no scope whatsoever for retail use outside of the boundary. He advised that what would apply instead was the sequential test, which was the approach taken with the recent supermarket application in Castle Donington. He added that the site being outside of the town centre boundary hadn't prevented this development. He reiterated that the aim of policy was to maintain the town centre for retail uses. He advised that the danger of enlarging the town centre area was that it could become diluted. He concluded that in his view, the proposals were consistent with the NPPF.

Councillor D De Lacy sought clarification in respect of the recommendation. He was advised that members were being asked to recommend to Council all limits to development and town centre boundaries, including those where no changes had been made.

Councillor D De Lacy referred to the objections made by the Parish Council in respect of the Ibstock town centre boundary and expressed concerns that the post office had been cut off from the town centre. He commented that the recommendations were causing him difficulties as if he disagreed with just 1% of the proposals, he would have to vote against the whole recommendation. He felt that there must be a better way of dealing with this.

The Director of Services advised that members could move an amendment to the recommendation, however he appreciated that they did not have the maps in front of them where no changes were proposed. Alternatively, members could agree to exclude certain settlements from their consideration and bring them back to a future meeting. He added that members could also vote against the recommendation if they were so minded.

Councillor D De Lacy stated that he agreed with the majority of the proposals and it would be silly to throw the baby out with the bathwater. He referred to Ibstock Parish Council's objection and added that people were finding it difficult to understand why the line had been drawn where it was, and as officers did not agree with the submission from the Parish Council he was finding it difficult to vote for.

The Planning Policy Team Manager clarified that the post office in Ibstock was located within the town centre boundary. He advised that officers had spent a lot of time debating the boundary as the town centre was quite spread out and there were non-retail uses on High Street. He added that it made sense to include the post office. He acknowledged that the doctor's surgery was not within the town centre boundary, however this was not necessarily a use you would expect to see in a town centre. He commented that this was not an exact science, and the proposals left scope for further town centre uses.

The Consultant urged members to consider that the boundaries were to be used for planning control. He advised that the broader the boundary, the less control the Planning Committee would have, as the edge of centre would be larger. He stated that the purpose of the boundary was to concentrate the town centre as much as possible.

Councillor J Legrys felt that it was right for the Castle Donington councillors to have made this intervention and he thanked them for doing so. He added that the report made it clear that the only maps provided showed where officers wanted to make changes. He felt aggrieved that he wasn't aware of this and that he did not have the plans in front of him. He stated that he could not vote for the recommendation as he was not prepared. He requested that it be noted that he considered this had been poorly handled, as a simple email could have addressed this. He felt that the recommendation should be deferred until further information could be provided, or it should be voted down. He stated that he

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was conscious of the Planning Policy Team Manager's advice that wherever a boundary was drawn, it would be in the wrong place. He expressed his displeasure that this debate was taking place without any information before him. He stated that there were a lot of issues relating to the Ashby area that his colleague had raised which he did not consider had been properly answered. He added that he could not vote for the recommendation without any information.

Councillor V Richichi stated that he wanted to discuss the limits to development in Packington as he was not happy with the revised plan. He commented that it seemed applications were being waved through and the public were not being listened to. He made reference to the ongoing judicial review and felt that these sites should be excluded from the revised limits to development as there was currently no approval in place to develop these sites.

The Director of Services clarified that there were ongoing legal proceedings, however the current position was that the permissions were extant, and the proposals for the limits to development reflected this. He added that clearly if the position changed, it would be appropriate for members to reconsider this at a later date.

Councillor V Richichi stated that he would like it noted that the Director of Services had stated that there was no movement in the direction of quashing the decision of the Planning Committee. He sought assurances on this point.

The Chairman directed Councillor V Richichi to debate the matters before members and advised him to raise any other issues outside of the meeting.

Councillor C Large suggested that in order to move forward, any settlements where members had concerns should be excluded from the recommendation. She added that to simply vote the recommendation down would be a waste.

The Chairman felt that this was reasonable and sought the view of other members.

Councillor D De Lacy stated that with the exception of the last intervention regarding Packington, there had been no objections to the proposed limits to development.

Councillor J Legrys stated that his concerns were the Ashby and Coalville town centre boundaries. He referred to the concerns raised by colleagues regarding the Castle Donington town centre boundary and the limits to development for Packington. He felt that members should have the opportunity to walk around these town centres.

In response to a question from Councillor S Sheahan, the Director of Services advised that he would anticipate it would be early summer before any recommendations would be made to Council. He clarified that the intention was that Council would be considering a draft Local Plan, so if individual elements were deferred, they would be delayed, but would all come together as part of the draft Local Plan.

The Director of Services summarised that members had raised concerns regarding the proposed town centre boundaries for Ashby, Coalville, Ibstock and Castle Donington, and the limits to development for Packington. He suggested that a further report could be brought back to the Advisory Committee on these areas specifically with more detail.

The Chairman also requested that members receive further guidance on the purpose of the town centre boundaries, why widening the town centre might not be the best course of action, and advice on the NPPF and the sequential approach.

Councillor D De Lacy supported this as he felt it was not clear. He stated that he would like to know what the implications were of being outside of the town centre boundary.

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The Chairman also requested that officers communicate more clearly with members.

RESOLVED THAT:

- a) The Advisory Committee notes the response to the recent consultation in respect of the draft limits to development and revised town centre boundaries
- b) The Advisory Committee recommends to full Council that the draft limits to development and revised town centre boundaries are approved to be included as part of the new Local Plan, with the exception of the following areas:
  - i) Ashby town centre boundary
  - ii) Castle Donington town centre boundary
  - iii) Coalville town centre boundary
  - iv) Ibstock town centre boundary
  - v) Packington limits to development

#### **46. RECENT LOCAL PLAN EXAMINATIONS**

The Director of Services presented the report to members. He recalled that this meeting had been deferred as the outcome of the Charnwood Local Plan examination was awaited. He added that officers felt it was appropriate to give an update as Charnwood was clearly of the most relevance as it was relying upon part of the same evidence base as the Council, the Strategic Housing Market Assessment (SHMA). He stated that using the SHMA as part of the evidence base had been tested through the Charnwood examination and there had been some challenge from developers on this point. He advised that the full view from the Inspector was not yet known, however it was telling that no specific issues had been raised regarding the validity of the SHMA. He added that this was good news as it was one of the key risks, as if the SHMA was found wanting it would have a significant knock-on effect on the Council's Local Plan. He stated that this was positive news, and the SHMA would still be utilised as the starting point, and there would be no need to revisit this work. The Inspector's final decision was still awaited, and it was not yet known what modifications he would be requesting.

Councillor J Legrys welcomed the statement from the Director of Services. He stated that he had had the opportunity to have a lengthy meeting with his Labour colleagues at Charnwood regarding and he was not as excited as the Director of Services regarding the SHMA based on their response. He commented that the SHMA was only comfortable until it was challenged by a developer and this could happen at any time. He referred to the outstanding judicial review against the Inspector's decision on the Packington Nook application, and sought clarification whether there was a challenge on the SHMA from the developer. He expressed concerns that the SHMA was fragile. He added that he was confident about dealing with any challenge, however he would appreciate clarity on the position regarding the Packington Nook application.

The Legal Advisor clarified that there was an ongoing judicial review in respect of the Packington Nook application. The Council was the second defendant and would be putting forward a robust defence.

Councillor C Large requested an update on the timescales for the Local Plan and the current position on the Strategic Housing Land Availability Assessment (SHLAA) in respect of further assessments and deliverability.

The Planning Policy Team Manager advised that it was intended to recommend a draft Local Plan to Council in the early summer. A consultation would then follow and depending on the outcome of this it was likely to take a further 4 to 5 months to

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recommend the final Local Plan to Council which would be submitted to the Secretary of State 3 to 4 months afterwards. He advised that the SHLAA would need to be updated. He added that deliverability was considered in a general sense, but not in as much detail as for the Local Plan.

Councillor C Large commented that SHLAAs were the first step in considering allocations in the Local Plan, and as such she would have thought deliverability was a key issue.

The Planning Policy Team Manager advised that this was one of the criteria, however it was simply a matter of the resources required to assess the hundreds of sites in the SHLAA. He added that when it came to the Local Plan allocation, the Inspector would want to see much more detail about the deliverability of sites.

The Chairman stated that deliverability was a major concern and was a difficult call for officers. He added that he believed officers were making headway, however this was still a relatively new concept.

Councillor D De Lacy sought clarification on the Charnwood examination, and how it could be known that the Inspector was happy with the housing figures without knowing his full opinion.

The Director of Services stated that the Inspector made some suggestions that the figures may need a slight increase, but if he had had significant concerns regarding the SHMA, the Local Plan would not have got through the inspection stage and the Inspector would have found it to be unsound even with modifications. He concluded that the principle of utilising the SHMA as part of the evidence base was sound.

The Planning Policy Team Manager added that it was important to note that the Charnwood housing requirement was slightly below what was indicated in the SHMA and the Inspector had asked officers if it would cause them a problem if the figures were increased in line with the SHMA.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.35 pm

Chairman's signature