

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 DECEMBER 2015

Present: Councillor D J Stevenson (Chairman)

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

In Attendance: Councillors J Clarke, F Fenning, S McKendrick and T J Pendleton

Officers: Mr C Elston, Mrs C Hammond, Mrs A Lowe, Mr J Mattley, Mr A Mellor, Mr J Newton and Ms S Worrall

## **75. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G A Allman and J Bridges.

## **76. DECLARATION OF INTERESTS**

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

Councillors J Cotterill, V Richichi and M Specht declared a non pecuniary interest in item A1, application number 15/00456/OUTM a political acquaintance of the applicants.

Councillors J G Coxon and J Hoult declared a non pecuniary interest in item A1, application number 15/00456/OUTM as Members of Ashby Town Council.

Councillors J Legrys and R Johnson declared a non pecuniary interest in item A3, application number 15/00780/FUL as members of the Co-operative Party. Councillor J Legrys expressed concerns that the report had not specified that the applicant was the Co-operative.

Councillor D J Stevenson declared a non pecuniary interest in items A4, application number 15/00701/VCIM and A5, application number 15/00698/VCIM as his son worked for the developer; 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 applications below:

Item A1, application number 15/00456/OUTM

Councillors R Canny, J G Coxon, D Harrison, J Hoult, J Legrys, R Johnson, G Jones and N Smith.

Item A3, application number 15/00780/FUL

Councillor V Richichi

Item A4, application number 15/00701/VCIM

Councillor V Richichi

Item A5, application number 15/00698/VCIM

Councillor V Richichi

Chairman's initials

**77. MINUTES**

Consideration was given to the minutes of the meeting held on 3 November 2015.

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

RESOLVED THAT:

The minutes of the meeting held on 3 November 2015 be approved and signed by the Chairman as a correct record.

**78. 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.

**79. A1**

**15/00456/OUTM: RESIDENTIAL CARE DEVELOPMENT INCLUDING APARTMENTS AND COTTAGES AND RESIDENTIAL CARE HOME WITH ASSOCIATED CAR PARKING AND LANDSCAPING (OUTLINE - DETAILS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT APPROVAL)**

Willow Farm, Ashby Road, Moira, Swadlincote, Derby, DE12 6DP

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

The Principal Planning Officer presented the report to Members.

Councillor S McKendrick, Ward Member, addressed the Committee. She stated that the development was in the wrong location as it was outside the Limits to Development, it was on a road where a request for a reduction in the speed limit to 30mph had been turned down recently and the development would impact on the view of the countryside. She informed Members that there was only one small store and a hairdressers close by and all other facilities were located at the other end of the village, and that the proposed shuttle bus could not replace the bus service that had recently been lost. She expressed concerns that there would be 156 further residents that would require medical support, but there was no section 106 monies requested for health care. Councillor S McKendrick accepted that there was a need for more care homes in the area, but felt that there were more suitable locations such as the decommissioned sheltered housing scheme in the village.

Ms P Thomas, Town Councillor, addressed the Committee. She advised the Members that the Town Council had fully considered the application and felt that the site was inadequate highlighting the following points:-

- That there was inadequate infrastructure to support the development
- that the speed limit along the road needed to be reduced
- the site was outside the Limits to Development
- there was insufficient parking proposed on the site
- the access arrangements were unsuitable
- the site was unsustainable
- the proposals were at variance to the Ashby Woulds Regeneration Strategy
- there was no provision for health care for the additional residents.

Mr P McCaffrey, objector, addressed the Committee. He highlighted to Members that the when consulted on the application the highways authority required the speed limit to be reduced, however they had recently turned down a residents request to do so. He was concerned that approval of the scheme would set a precedent for infill development. He advised that the site was unsustainable as there was no provision for additional medical or

Chairman's initials

dental services and some of the residents on site could have complex medical needs. He added that there had been no public consultation on the application and the urban designer had objected. He urged the Committee to reject the application on the grounds that the application was unsustainable and outside the Limits to Development.

Mr P Devlin, Design Consultant, addressed the Committee. He informed Members that the development would be a modern care provision which would meet the 2015 Care Act. He stated that the development would provide sustainable independent living accommodation allowing those that wished to downsize. He urged the Committee to support the application.

Mr P Powell, Agent, addressed the Committee. He advised the Members that the development would address the needs of the ageing population, reassuring many that they could stay in the area in that they lived in. He highlighted that there would be many facilities on site that would be open for all residents of Moira and that the village would provide a number of ways to stay including respite, ownership and referred hospital care. He asked the Members to support the application as it was sustainable.

The officer's recommendation was moved by Councillor N Smith and seconded by Councillor G Jones.

Councillor N Smith felt that it was a ground breaking application, which would provide all the required facilities on site. He stated that through personal experiences he had been unable to find a complex like this in the area. He highlighted that only 30% of the site was outside the Limits to Development and that he understood the traffic speed would be reduced to 30mph, adding that there was no reason to object to the application, which would be a first for the country.

Councillor G Jones stated that he was happy to second and highlighted that the Labour website had stated that extra care homes were needed and the application would provide this.

Councillor J Legrys raised a point of order that a discussion around a political website was not appropriate for the Committee.

Councillor G Jones added that the application would provide transitional housing opportunities and should be supported.

Councillor J Legrys raised concerns over the objections from the Urban Design Officer, the lack of capacity available at the local water treatment works and that the site was outside the Limits to Development, He also sought reassurance that as it was only an outline application the full application would be brought back to Committee. Councillor J Legrys requested a recorded vote.

In response to Councillor J Legrys concerns the Head of Planning and Regeneration stated that yes the Urban Design Officer had concerns with the indicative drawings, but as it was an outline application the details of the design would be considered, and we can be confident that a satisfactory scheme can be achieved before detailed permission was granted, that it was accepted that the development was outside the Limits to Development, but the benefits to the area would outweigh the harm and that the final detailed design could be brought back to Committee.

The Planning and Development Team Manager added that should the application be permitted then Severn Trent Water would be duty bound to ensure that additional capacity was found at the water treatment works.

Councillor J Legrys felt that Severn Trent would need to know the timetable as it may take some time to find the capacity and was also unhappy that the proposed limits to development in the emerging Local Plan were ignored.

Councillor M Specht stated that staged care was a much needed provision to help to tackle bed blocking in hospitals, and there was nothing like the proposal within the District. He advised that he had seen firsthand how a complex similar to the application had provided care to a family member in Germany and supported the application.

Councillor V Richichi stated that he was in favour of the application, and said that recently when he needed care for a family member who had been discharged from hospital he had struggled to find a home in the area that would provide the care that was required, adding that the development would have been the perfect place. He highlighted that the medical needs of the residents would be met and that the speed limit would be reduced if permission granted.

Councillor D Harrison stated that he warmly welcomed the application and that it was a fantastic project and appeared very professional. He highlighted that it would provide a safe environment and would create much needed jobs for local people.

Councillor R Johnson clarified that of Councillor M Specht's personal experiences the unit was in fact a sanatorium and that there were hundreds of those units throughout Europe and he informed Councillor N Smith that there were over 80 facilities similar to the proposed development throughout the United Kingdom. He stated that the development had lots of merits however being in the countryside and outside the Limits to Development it was in the wrong place.

Councillor R Adams stated that he was upset at the continual expectation to permit sites that were outside the Limits to Development and that he would not be supporting the application.

Councillor D J Stevenson advised that there would always be applications outside the limits and that he felt that many elderly and infirm who were born and lived in the countryside all their lives would like to remain in the peaceful surroundings.

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

For the motion:

Councillors R Ashman, R Boam, J Cotterill, J G Coxon, D Everitt, D Harrison, J Houtt, G Jones, V Richichi, N Smith, M Specht, D J Stevenson and M B Wyatt (13).

Against the motion:

Councillors R Adams, R Johnson and J Legrys (3).

Abstentions:

Councillor R Canny (1).

RESOLVED THAT:

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

80.

**A2**

**15/00541/OUTM: DEVELOPMENT OF UP TO 150 DWELLINGS WITH OPEN SPACE, LANDSCAPING, ACCESS AND OTHER INFRASTRUCTURE WORK (OUTLINE - ALL MATTERS RESERVED APART FROM PART ACCESS)**

Site adjacent Computer Centre and Jct 24, Packington Hill, Kegworth, Derby, DE74 2DF

Chairman's initials

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

The Principal Planning Officer presented the report to Members.

Mr S Harley, Agent, addressed the Committee. He advised Members that the proposal not only provided towards the need for new homes it also responded to the desire for more sports pitches, as most of the local teams played their games outside the village. He highlighted that there were no fundamental barriers, one letter of support and no objections, adding that they were working very closely with the Highways Authority. He stated that the application met all the polices and the client was keen to bring the application forward.

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

Councillor D Harrison stated that it was a fabulous site especially with the leisure facilities.

Councillor J Legrys stated that he was excited about the application and was happy to support the facilities. He expressed concerns about the additional traffic that it would generate and sought confirmation as to whether the site was outside the Limits to Development adding that if it was he would lobby for it to be included within the limits and that it would add to the 5 year land supply.

In response to a query from Councillor G Jones, the Head of Planning and Regeneration stated that the request for developer contributions from the Police was capable in principle of compliance with all the required CIL tests.

Councillor M Specht stated that he was happy to support the application especially with the play areas and the 30% affordable housing. He requested a recorded vote.

Councillor R Canny stated that the development was on her backdoor and the open space was needed in the north area of the District. She expressed concerns that the site was outside the Limits to Development and expressed concern that the Committee has been asked on a number of occasions to consider schemes favourably "on balance" that were outside the limits to development. She also had concerns over the additional traffic.

The Head of Planning and Regeneration stated that even though the Authority had a five year land supply, it needed to be maintained, especially if it was a good site.

Councillor V Richichi expressed concerns that the developer was offering a carrot and that over time the application could be withdrawn or variations submitted that would be considered by officers. He sought assurances that should any material changes be submitted they would be brought back to Committee.

The Head of Planning and Regeneration advised that the application was a well advanced scheme and there was no reason why it should be withdrawn unless there was a significant change in the market, adding that if Members wished so, any material changes that may be submitted could be brought back to the Committee.

Councillor R Adams sought confirmation that the application was outside the Limits to Development and stated that he must be consistent and vote against applications that were outside the limits.

The Head of Planning and Regeneration confirmed that the application was outside the Limits to Development.

Chairman's initials

Councillor D J Stevenson stated that all applications could not be judged the same and that generally more and more developments were moving closer to motorways.

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

For the motion:

Councillors R Ashman, R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison, J Hault, R Johnson, G Jones, V Richichi, J Legrys, N Smith, M Specht, D J Stevenson and M B Wyatt (16).

Against the motion:

Councillors R Adams (1).

Abstentions:

None (0).

RESOLVED THAT:

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

Councillors N Smith and M B Wyatt left the meeting.

81.

**A3**

**15/00780/FUL: DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE THREE UNITS FOR USE EITHER AS A1 (SHOPS) OR A5 (HOT FOOD TAKEAWAYS)**

2 Ashby Road, Ibstock, Coalville, Leicestershire, LE67 6HA

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

The Senior Planning Officer presented the report to Members.

Mr D Pritchard, Agent, addressed the Committee. He highlighted to Members that the proposal was for three small scale units that would be located between the supermarket and the filing station, adding that the units would share the existing car park and service area. He advised that the current building was in a poor state of repair and that it would be more cost effective to build new than repair. He stated that there were no technical objections and the application met all the policies and would provide new jobs for the area. He urged Members to approve the application.

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

Councillor J Coxon stated that it was an enterprising application in a trading area, especially with the new housing estates in the village.

Councillor D Harrison advised that it was an ideal location between commercial buildings and the units would blend in well. He was happy to support the recommendation.

Councillor V Richichi stated that he had lived and worked in the area all his life and that he felt that there was no need for any further hot food takeaways or empty shops, he stated that he supported the removal of the decaying house, but could not support the takeaways.

Councillor J Legrys stated that he believed in individual choice that the application may bring and that the sequential test had been carried out, but the petrol station was 24/7 and

Chairman's initials

owned by a competitor, and there were several hot food takeaways in the village, and he therefore could not support the application.

The Head of Planning and Regeneration advised Members that officers were satisfied that the sequential test had been applied correctly, and that when they went out to verify its findings there were no vacant units on the high street at that time. He confirmed that, since the time of the sequential assessment, one unit had become vacant in the High Street, but that unit would not be suitable to accommodate this proposed development.

Councillor D Everitt stated that in reality there was parking provided and as with other supermarkets in the District it was a natural development to have other units on the site.

Following a question from Councillor R Johnson, the Head of Planning and Regeneration confirmed that the site was outside the defined centre boundary by 400m, but was within the Limits to Development.

Councillor M Specht stated that he was in support of the application, adding that due to the growing size of the village the additional commercial units would be of benefit. He clarified that the application did not specify a single end use.

Councillor D J Stevenson agreed with Councillor D Everitt, that the site was ideal as there were already retail units in the area and that there was parking at the Co-op, he questioned why it had come to Committee.

RESOLVED THAT:

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

Having declared a non-pecuniary interest in the items A4 and A5 Councillor D J Stevenson moved that Councillor D Harrison take the chair for the items. It was seconded by Councillor J Cotterill.

Councillor D J Stevenson left the chair and the meeting and took no part in the consideration or voting thereon.

Councillor D Harrison took the chair for the consideration of the item.

- 82. A4**  
**15/00701/VCIM: VARIATIONS OF CONDITIONS 3 AND 22 OF 15/00018/VCIM TO INTRODUCE ADDITIONAL BOUNDARY TREATMENTS TO PLOTS 185,186,187,188,189 AND 191 AS WELL AS LANDSCAPING REVISIONS**  
 Land to the rear of Parkdale, Ashby Road, Ibstock, Leicestershire

Officer's Recommendation: Permit

Councillor D Harrison advised Members that the two items would be presented together.

The Senior Planning Officer presented the report to Members.

Councillor J Clarke, Ward Member, addressed the Committee. He expressed concern that the issue was still going on. He advised Members that the developers had said that the line the boundary had been moved to was the original one and questioned why a variation application had been submitted if this was the case. He highlighted that the developer was deliberately making a mockery of the authority by constantly varying the original application and having moved the fence had made it difficult for it to be properly maintained, adding that the Council should insist that the fence was turned around so that

Chairman's initials

the existing residents had the front of the panels. He added that the change of the homes from bungalows to two-storey houses had not been considered by the Committee.

Mr L Taylor-Haynes, Objector, addressed the Committee. He advised Members that his dwelling was the closest to the site and that the building had been damaged during the construction. He informed Members that at the site meeting the developer had no intention to change the position of the fence and that they would be happy to sell the properties without the fence. He felt that the developer had total disregard for the neighbours and that the application should be refused due to the loss of amenity and to hide the eyesore would put him out of pocket. He referred to paragraph 66 of the NPPF, which says that applicants should work with those directly affected by proposals.

A motion to refuse the application, on the grounds that it would cause loss of residential amenity, was moved by Councillor V Richichi and seconded by Councillor J Legrys.

Councillor V Richichi stated that since the original application was permitted there had been significant variations to the development and even though residents had objected to the changes they were not aware as to how to get the applications to come back to Committee. He suggested that a footnote be added to the letters advising residents of the process to have applications called in.

Councillor D Harrison reminded Members that valid planning reasons were required to enable the Committee to refuse an application.

Following questions from Councillor R Adams and J Legrys, the Head of Planning and Regeneration and the Planning and Development Team Manager advised Members that once an application had been permitted any variations to it would require a new application to be submitted that both neighbours and Ward Members were notified of. Ward Members could then choose to call in the application if they felt that there were valid planning reasons to do so. They informed the Committee that this process had been followed on both occasions for both the change from bungalows to two storey dwellings, which the Ward Members at the time had decided not to call in, and for the variation to the boundaries, which had been called in.

Councillor D Harrison advised Members that the applications in front of them had been called in as the Ward Member had considerable concerns over the proposals.

Councillor J Legrys felt that the issue was significant and very complex, and it would affect the residents of the existing properties stating that there were issues with loss of amenity and light, and as heard from the objector impact on the residents' human rights as damage had been done to his property. He asserted that these were three valid reasons and he supported Councillor V Richichi.

Councillor D Harrison reminded Members that officers were advising that the reasons for refusal were weak; with the best being loss of amenity, and that they should think very carefully before voting.

In response to a question from Councillor R Adams, the Head of Planning and Regeneration advised the Members that the case appeared to be both a boundary dispute and a planning issue and confirmed that a boundary dispute was not within the scope of the Committee. He advised them that refusing the application on the grounds that it would cause loss of residential amenity would be a weak case. He explained that, due to the characteristics of the site, there was a risk that by refusing the current application and solving one amenity issue due to an overbearing fence, by requiring its removal the planning authority could create a different amenity problem by virtue of loss of privacy or overlooking from the new homes.



Councillor M Specht stated that he had requested the deferral and expressed his disappointment at the developer's treatment of the neighbours adding that if he was a resident of Parkdale he would be insisting on good fencing or taking their fencing down and extending the lawn. He advised that there was no case for overshadowing and that he supported the officer recommendation.

Councillor D Harrison stated that the Committee could not support trespassing.

RESOLVED THAT:

The application be refused on the grounds that it was contrary to Policy E3 of the Local Plan.

**83. A5  
15/00698/VCIM: VARIATION OF CONDITIONS 3 AND 22 OF 15/00019/VCIM TO  
INCLUDE ADDITIONAL BOUNDARY TREATMENTS TO PLOTS 176 AND 177 AS  
WELL AS LANDSCAPING REVISIONS**

Land to the rear of Parkdale, Ashby Road, Ibstock, Leicestershire

Officer's Recommendation: Permit

A recommendation to refuse the application on the grounds that it would cause loss of residential amenity and would be overbearing was moved by Councillor R Adams and seconded by Councillor R Johnson.

RESOLVED THAT:

The application be refused on the grounds that was contrary to Policy E3 of the Local Plan.

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

Councillors N Smith and M B Wyatt left the meeting at 5.37pm.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.36 pm