

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 11 MARCH 2014

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, A Bridges (Substitute for Councillor G A Allman), J Bridges, J G Coxon, D Everitt, T Gillard, J Hoult, D Howe, R Johnson, G Jones, J Legrys, T Neilson, N Smith, M Specht, R Woodward and M B Wyatt

In Attendance: Councillors T J Pendleton

Officers: Mrs V Blane, Mr C Elston, Mr D Hughes, Mr J Knightley, Mr S Stanion, Mrs R Wallace and Ms S Worrall

## **51. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor G A Allman.

## **52. DECLARATION OF INTERESTS**

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

Councillors J G Coxon and M B Wyatt declared that they had been lobbied without influence in respect of item A1, application number 13/00908/OUTM. They also declared a non-pecuniary interest in item A1, application number 13/00908/OUTM as Members of Leicestershire County Council.

Councillor J Hoult declared an interest in item A1, application number 13/00908/OUTM as family members lived in the vicinity of the application site; he would therefore leave the meeting during the discussion and voting thereon.

Councillors T Gillard, M Specht, N Smith, G Jones, D Everitt, T Neilson, R Adams and D J Stevenson declared that they had been lobbied without influence in respect of item A1, application number 13/00908/OUTM.

Councillor J Legrys declared that he had been lobbied without influence in respect of item A1, application number 13/00908/OUTM. He also declared a non-pecuniary interest in item A2, application number 13/00671/OUTM as he had been involved with discussions between officers and local residents.

Councillor R Johnson declared that he had been lobbied without influence in respect of item A1, application number 13/00908/OUTM. He also declared a non-pecuniary interest in item A2, application number 13/00671/OUTM as a Member of Hugglescote and Donington le Heath Parish Council.

## **53. MINUTES**

Consideration was given to the minutes of the meeting held on 4 February 2014.

It was moved by Councillor D J Stevenson, seconded by Councillor J Legrys and agreed by the Committee that the statement by Councillor M Specht on page 8 read as follows:

‘Councillor M Specht stated that his view was originally contrary to the officer’s recommendations but after visiting the site and listening to the objectors he could not support the application.’

Chairman’s initials

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 4 February 2014 be approved and signed as a correct record.

#### **54. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Regeneration and Planning, as amended by the update sheet circulated at the meeting.

#### **55. A1 13/00908/OUTM**

**Residential development of up to 142 dwellings including creation of access from Station Road (Outline - all matters reserved apart from the access from Station Road)**

**Land Adjoining Clare Farm, Station Road, Ibstock, Leicestershire**

Having declared an interest, Councillor J Hoult left the meeting during the consideration and voting thereon.

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

Councillor J Ruff, Ward Member, addressed the Committee. She made the following points:

- The application was contrary to Policy S3.
- The proposed site was outside the Limits to Development and also Greenfield.
- The total number of new housing, including the proposal in front of Members, would take the number in Ibstock above the level original planned for.
- The development was not sustainable and would put added pressure on the already struggling doctors, schools and highways in the area.

Councillor J Ruff urged Members to use their judgement when considering the application, as the report suggests, and to refuse the application.

Mr S Louth, applicant, addressed the Committee. He stated that he was pleased with the officer's recommendation for approval and reminded Members that the application was for outline permission only. He confirmed that consultation had taken place with local residents, the Parish Council and officers, and there had been no objections from the statutory consultees. He added that the site was in a sustainable location as it was a rural centre which had been identified for growth. He concluded that the application provided 20 percent affordable housing and considerable contributions to healthcare, education and the provision of bus stops.

Councillor A Bridges had no objections to the proposal and moved the officer's recommendations. It was seconded by Councillor G Jones.

Councillor J Bridges asked that as this was an outline application, would the number of affordable housing and other contributions be enforceable once the developer had signed up to them, as this was his only concern. The Planning and Development Team Leader confirmed that it was enforceable.

Councillor T Neilson stated that he was disappointed that there was such a lot of development in Ibstock in a short period of time, and although it was not desirable it was a result of the back log of the last 10 years. He explained that he had highway concerns due to the additional vehicles the development would produce but as there were no highway objections he had no choice but to support the recommendations.

Chairman's initials

Councillor J Legrys stated that he was deeply concerned with the level of growth in Ibstock, especially as it was outside the Limits to Development and it was a possibility that developers would continue to develop land that the Council had protected for many years. His main concern was the design and positioning of the access roundabout and therefore he could not support the recommendations.

Councillor R Johnson referred to the comments of the applicant and stated that Ibstock was no longer a rural centre but a small town and the proposed bus stops would not add anything to the area as there were very few buses. He stated that the town was struggling to stay alive as businesses were closing down and there were no jobs for local people. He was concerned that as the application was only for outline permission, it was a possibility for the applicant to sell the permission on to a larger developer. He also concurred with Councillor J Legrys concerns regarding the access roundabout.

Councillor G Jones stated that Ibstock was subject to the same pressures as other areas in the district for housing and other developments had not harmed the area at all. He added that he believed the proposed woodland would be good for the area and the District.

Councillor J G Coxon believed that the site was sustainable and Ibstock was an area where people want to live, this was why it was being developed. He was in support of the recommendations.

Councillor D Everitt stated that the Committee should not be approving applications based on the opinion that it was where people wanted to live, but based on where people should live. He did not believe this was a valid reason to permit.

RESOLVED THAT:

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

**56. A2 13/00671/OUTM**

**Residential development for 14 dwellings, retention of existing farmhouse, demolition of existing farm buildings, alterations to an existing vehicular access and closure of other existing vehicular access (Outline- Details of access and layout)**

**The Farm, Manor Road, Donington Le Heath, Coalville**

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

As there was no one present to speak in objection to the application, Mr C Thorpe, applicant, declined his opportunity to address the Committee.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor G Jones.

Councillor R Johnson stated that it was a wonderful application in an area that needed development. He added that he had been heavily involved as part of the Parish Council and it was a brilliant development.

Councillor J Legrys gave his thanks to the Head of Regeneration and Planning, and his officers for the work undertaken to get such a good application, especially as it was in a conservation area. He stated that the area had been left with some horrendous buildings and this application was very much needed. He concluded that he was very pleased with

the application that had been delivered to Committee and the same principle should be followed in the future.

RESOLVED THAT:

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

**57. A3 13/00291/RET**

**Proposed change of use of dwelling house to a mixed use as a dwelling house and for the keeping and breeding of up to 20 dogs together with the retention of kennel buildings, a storage shed and open and closed runs  
27 School Lane, Newbold, Coalville, Leicestershire**

The Principal Planning Officer presented the report to Members.

Ms L Hallam, objector, addressed the Committee. She explained that she was representing the residents of School Lane (Nos. 21, 21a, 23, 25, 35 and 46) and the main concerns were the noise, odour and lighting which were ruining the enjoyment of people's homes. She stated that during the previous summer, the odour was forcing the residents of the neighbouring properties inside their homes and on occasion it could be smelt inside as well as out. She stated that the area was a very quiet residential street and the noise that has resulted from the dogs has had a huge impact. She suggested that limits on any numbers should include puppies. She also advised that there were concerns about the use of outbuildings to house puppies. The flood lighting used on both the front and rear of the property is very bright even with blackout curtains, Ms Hallam suggested that the front lights be angled towards the ground and the rear lights turned off in the late evening. To conclude, Ms Hallam stated that the business created parking issues due to a large number of people visiting to view the dogs, which caused issues as the property was opposite a school and a bus stop.

Mrs C Mendel, applicant, addressed the Committee and made the following points:

- Before moving into the property in January 2013 enquiries were made to the Council regarding whether planning permission was required for the dogs and the kennels. The original response was that it was not needed but at a later date was told differently.
- Mrs Mendel assured Members that the operation was as professional as it could be and the kennels were located as far away from neighbours as possible in the large garden.
- The kennels were well sound proofed and there was fencing and hedging completely surrounding them which contained any extraneous noise and the dogs are placid.
- The cleaning regime was very thorough with the kennels being cleaned every day with pet grade disinfectant which meant there was no smell outside the fenced compound. There had been no complaints of any sort to Environmental Health since the applicant moved into the property. Mrs Mendel assured Members that the recommended Officer conditions were acceptable to the operation. In addition NWLDC has recently renewed the breeding licence.
- Mrs Mendel assured Members that very little traffic was generated due to the business. All visitor appointments were arranged to avoid the times when children were taken to and from school and there were no multiple visits. The front of the property had been gravelled to accommodate up to seven vehicles and visitors are told to park on the parking area and not the road. She explained that they did have numerous carers, district nurses and doctors that visited the property daily to assist with a sick relative.
- Mrs Mendel stated that some of the objections were unreasonable and factually incorrect and as there were no objections from the statutory consultees, urged Members to grant planning permission.

Chairman's initials

Councillor D J Stevenson explained that he had called the application in as it was made retrospectively and due to the number of complaints from neighbouring residents. His main concern was the possibility that the kennels could be taken over in the future and larger, noisier dogs kept on the premises.

Councillor A Bridges stated that the street was in a lovely residential area which was close to a school and she felt it was now a commercial site. She added that she personally would not like to live in a neighbouring property and therefore could not support the application.

Councillor D Everitt stressed that it was important to consider planning matters and the evidence in front of Members. From the site visit he had ascertained that it was a well run business and he could not see a reason to refuse; he added that he would support the application.

Councillor M Specht stated that he also felt it was a well run business which during the site visit he could see that it was not noisy, had good parking and was clean. He therefore moved the officer's recommendation and it was seconded by Councillor T Gillard.

Councillor J Legrys stated that he had concerns in the past regarding businesses being run from residential properties. He also expressed concerns that people could not enjoy their homes due to noise and odour. Add these issues to the constant coming and going of visitors and Councillor J Legrys did not believe it was right for the neighbouring residents.

The motion to permit was put to the vote and was LOST.

The Chairman requested a substantive motion from the Committee with relevant planning reasons. After further discussions, Councillor J Bridges moved that the application be refused on the grounds that it was detrimental to residential amenity due to odour, and noise and disturbance from comings and goings associated with the operation of a business at the site. It was seconded by Councillor J Legrys.

RESOLVED THAT:

The application be refused on the grounds that it was detrimental to residential amenity due to odour and noise and disturbance from comings and goings associated with the operation of a business.

**58. A4 13/00911/FULM**

**Change of use of land to B8 (Open Storage)  
Owen Brown Ltd, Station Road, Castle Donington, Derby**

The Principal Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor G Jones.

Councillor J Bridges commented that the application was superb and thanked officers for assessing the departure from the plan. The proposal represented a departure from the Local Plan but was acceptable in this case.

Councillor J Legrys reiterated the comments from Councillor J Bridges and stated that the application would benefit Castle Donington and the District as a whole. He added that it was a shame that not all Members were available to attend the site visit earlier in the day.

Chairman's initials

He thanked officers for the work undertaken on the application. Councillor R Woodward reiterated the comments and thanks.

Councillor T Gillard agreed that it was a good application and assured Members that he had been to visit the application site the previous week.

RESOLVED THAT:

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

**59. REQUEST FOR THE RECONSIDERATION OF PLANNING APPLICATION 13/00335/OUTM FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED DEVELOPMENT AT MONEY HILL SITE, ASHBY DE LA ZOUCH**

The Head of Regeneration and Planning presented the report to Members.

Councillor J Coxon commented that although he moved refusal when the Committee originally considered the application, now that the Committee had met with the developers he would like to move recommendation B. It was seconded by Councillor G Jones.

Councillor J Legrys stated that he was not convinced that there were any significant changes and would have liked to have seen more information. He believed that bringing the application back to the Committee in the near future would be premature and that a master plan from the developer was needed.

RESOLVED THAT:

The decision to refuse not be confirmed and instead to reconsult on the applicants proposed amendments to planning application 13/00335/OUTM, and to reconsider the application at a future meeting of the Planning Committee.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 5.40 pm