

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 7 NOVEMBER 2017

Present: Councillor J Bridges (in the Chair)

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

In Attendance: Councillors R D Bayliss and T J Pendleton

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

#### **46. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors R Boam and D J Stevenson.

#### **47. DECLARATION OF INTERESTS**

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

Councillors J G Coxon, J Houlton and G Jones declared a non-pecuniary interest in items A1 and A2, application numbers 17/01159/FUL and 17/01133/FUL, as members of Ashby Town Council.

Councillor R Johnson declared a non-pecuniary interest in item A3, application number 17/01441/NMA, as Chairman of Hugglescote and Donington le Heath Parish Council.

#### **48. MINUTES**

Consideration was given to the minutes of the meeting held on 3 October 2017.

The minutes were moved by Councillor J Coxon and seconded by Councillor M Specht.

Councillor J Legrys requested an amendment to the minutes and requested that the word 'amendment' in the penultimate paragraph on the third page of the minutes be replaced with the word 'motion'. He stated that he had not moved an amendment to the motion at that time but had moved a separate motion and therefore the wording was technically incorrect and therefore he objected to the wording. He added that the paragraph also referred to speaking to the Monitoring Officer however his understanding was that advice had been sought from the Deputy Monitoring Officer.

The Chairman clarified that the Deputy Monitoring Officer had sought advice from the Monitoring Officer and therefore he believed this point to be correct.

The Chairman requested that Councillor J Legrys put his amendment in writing to enable officers to look into this matter further. He stated that the minutes would be amended if Councillor J Legrys' comments were correct.

Councillor J Legrys raised a point of order and formally proposed that the word 'amendment' be changed to 'motion' in the minutes. The motion was seconded by Councillor M B Wyatt.

Councillor D Harrison stated that he could not recall whether this point was accurate as there had been a lot of debate and therefore he could not vote on this.

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Councillors J Hoult, G Jones and N Smith stated that they were absent from the last meeting.

The Chairman stated that Councillor J Legrys' comments had been duly noted, however the points raised needed to be verified with the voice recording as the officer these comments related to was not present. The minutes would be amended in accordance with Councillor J Legrys' comments if they were verified with the voice recording.

Councillor J Legrys stated that he did not agree with this approach and sought advice from the Legal Advisor as an amendment to the minutes had been formally proposed and seconded.

The Monitoring Officer advised members that the paragraph that Councillor J Legrys sought to amend was the advice given by the Deputy Monitoring Officer to the meeting rather than Councillor J Legrys' statement, which had been captured earlier in the minutes.

Councillor J Legrys reiterated that at the meeting he had put forward a separate motion to defer the application which had been refused, however the word 'amendment' was used throughout the debate despite his protests. He added that he did not dispute that this was what the advice given by the Deputy Monitoring Officer however he objected to the use of the word 'amendment'.

The Monitoring Officer reminded members that consideration was being given to the accuracy of the minutes and there appeared to be agreement that the advice from the Deputy Monitoring Officer and the statement made by Councillor J Legrys had been recorded correctly.

Councillor J Legrys stated that he felt the word 'amendment' was not the intention of his proposition at the meeting and therefore there needed to be an explanation in the minutes. He suggested this matter be put to the vote.

Councillor M Specht stated that he fully concurred with the comments made by Councillor J Legrys.

The Chairman then put the motion to the vote and it was

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 3 October 2017 be approved and signed by the Chairman as a correct record.

#### **49. 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.

#### **50. 17/01159/FUL: ERECTION OF EXTENSION (B2 AND B8 USE) TO EXISTING BUILDING (B1, B2 AND B8 USE)**

The Principal Planning Officer presented the report to members.

Councillor R D Bayliss, ward member, addressed the meeting. He stated that the business park was one of the finest developments of its sort that he had seen. He explained that the development had been driven by the developers themselves, the planning brief and the urban design policies, resulting in a first rate modern industrial development which provided a wonderful working environment. In his view the proposals

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within the application were contrary to the council's own policies, specifically the development brief, and permitting the development would by inference allow further applications of a similar nature and would destroy the Council's urban design policies. He urged members to refuse the application.

Mr M Evans, objector, addressed the meeting. He stated that the proposals were the polar opposite of the design brief which sought to secure a high quality development whilst minimising its visual impact. He said that the approach to Unit C was purposely kept clear to achieve a high end business park feel, to allow units to sit in isolation and to retain the openness of the site. He added that this would be lost should the application be permitted. He called upon members to reject the proposals.

Mr P Eaton, applicant, addressed the meeting. He explained that an extension to the unit was required to support growth in his business. He added that as the owner of the building he did not wish to spoil the business park. He did not plan to build on the whole of the service yard, which he had not used as a courtesy to his neighbours, and the roof would be set 1m lower than the existing structures. He explained that the same architect was being used to ensure that the design and materials for the proposed development were identical to the current building on site.

Councillor J Hoult moved that the application be refused, as it would set a precedent. This was seconded by Cllr M Specht. Cllr J Hoult went on, and stated that he could not support the proposals as it would spoil the estate and other developers would want to extend in a similar manner

The Head of Planning and Regeneration reminded members that it was an established planning principle that each case was determined on its own merits, and whilst setting a precedent may be a concern, this could not be taken into account in determining the application.

In response to a question from Councillor N Smith, the Principal Planning Officer advised that there would be no change to existing employment levels.

Councillor D Everitt stated that in his view the design of commercial developments was just as important as residential developments. He felt that the status quo ought to be maintained.

Following advice from the Head of Planning and Regeneration on the reasons for refusal, it was moved by Councillor J Hoult that the application be refused on the grounds that the proposals would represent over intensification of the plot and would detract from the open feel of the wider estate. The motion was seconded by Councillor M Specht.

Councillor J Legrys suggested that an additional reason for refusal, that visibility splays would be inadequate, be added. The Head of Planning & Regeneration pointed out that the highway authority had not objected to the application, and advised against using it as a refusal reason.

Councillor G Jones stated that as a local Town Councillor he was very proud of what had been achieved in Ashby de la Zouch in recent years and that he did not like to prevent the expansion of businesses. However he felt he had to support the comments made in respect of spoiling the working environment and over intensification of the whole site. He concluded that he could not support the officer's recommendation.

In response to a question from Councillor V Richichi, the Principal Planning Officer referred to the update sheet, and advised that the design brief was intended to guide the initial development of the site and was not an ongoing document which governed the

future design of estate. He stated that little weight, if any, should be afforded to this document.

Councillor D Harrison felt that the proposals blended in well and that the Committee should be flexible by supporting people who invested in the area. He stated that he supported the officer's recommendation as all business would like to eventually expand and thus, the Committee should retain an open mind to such applications.

R Canny emphasised the importance of design. She appreciated the needs of the business for more space however commented that once the extension was built, the design of the whole area was permanently changed. She suggested relocation of the business be considered as an alternative.

Councillor M Specht commented that the design brief may be out of date, however the development had been built in accordance with the design brief. He commended the design of the existing development and felt that he could not support the proposals as they interfered with the street scene. He stated that had the proposed development been to the rear of the existing development or to its side, he would have been able to support the application.

Councillor N Smith commented on the cost of relocating a business and felt that refusing the application would send the wrong message to people considering setting up a business in North West Leicestershire. He could not see anything wrong with the proposed development given that the same architect and materials were being used as those for the existing building.

Councillor J Legrys expressed support for the motion to refuse the application as he felt very strongly that policies should be accorded with. He made reference to the outstanding design and layout of the site. He commented that he disliked the idea that the proposed development would block out the street scene to people arriving at the site.

The motion to refuse the application was then put to the vote and it was

RESOLVED THAT:

The application be refused on the grounds that the proposals represented over intensification of the site and the loss of the open feel of the estate.

**51. 17/01133/FUL : SUB-DIVISION OF RESIDENTIAL PLOT, AND ERECTION OF ONE DETACHED DWELLING.**

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

Mr J Kenny, objector, addressed the meeting. He stated that the proposals were out of character with the surrounding dwellings, the proposed dwelling was narrower than neighbouring dwellings and views would be altered by the scale and massing of the proposal due to its proximity to the junction. He added that the front garden of number 9 would be used for car parking, the proposals would significantly affect the privacy of the neighbouring dwelling and were contrary to policy H7 of the adopted local plan.

Mr T Mastin, agent, addressed the meeting. He stated that the application comprised much revised proposals taking into account the concerns raised by the planning authority and would provide useful additional housing for Ashby de la Zouch, benefitting Grange Close. He highlighted the reduction in the eastern elevation, improving the outlook, the smaller footprint which was now relative to the site and the retention of the large garden. He stated that much of site would remain in use as a residential garden space. He added that the original features of Grange Close would be matched. He stated that the design

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accorded with Leicestershire County Council's 6CS design guidance however, he acknowledged the remaining concerns in respect of highways safety. He advised that he had met Councillor G Jones on site, who had agreed that the removal of the existing mature hedge would improve highway safety by increasing visibility.

Councillor M Specht commended the inspector's report on the previous application for 2 flats on the site. He moved that the application be refused on the grounds that the proposals were contrary to Policies E1, E3 and E4 of the submitted local plan as the proposals were detrimental to the amenities of nearby dwellings, did not respect the character of its surroundings and would spoil the open nature of the of the estate. He added that the inspector had made particular reference to corner plots and retaining the open character of the estate.

The motion was seconded by Councillor G Jones. He made reference to the increase in density of a busy corner plot and the amount of elderly people on the estate.

Councillor N Smith referred to the concerns raised in the update sheet relating to the underpinning of neighbouring dwellings. The Planning and Development Team Manager confirmed that construction related issues were subject to other legislation such as building regulations and, as such, the concerns raised were not material planning considerations.

Councillor J G Coxon stated that he did not support development on the corner plot and the proposals were not in keeping with the estate. He felt that the builders would have put a house on the corner originally, had that been what was intended.

Councillor D Everitt felt that the site was not large enough to accommodate the proposals, and houses were too small.

Councillor J Hoult felt that the proposals represented overdevelopment of the site. He confirmed that a new house had been granted planning permission between numbers 11 and 15. He considered that the area was dense development.

Councillor J Legrys felt that it would be difficult to insert a dwelling on the site whilst retaining neighbour amenities and the existing street scene. He believed the existing building line should be maintained and that proposals represented over intensification of the site. He stated that he could not support the proposals, as it was a bog standard application for a garden build.

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

RESOLVED THAT:

The application be refused on the grounds that the proposals were contrary to Policies E1, E3 and E4 of the submitted Local Plan.

Councillor M B Wyatt left the meeting at 5.33pm.

**52. 17/01441/NMA: NON MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL REF 15/00357/REMM (OUTLINE PLANNING PERMISSION REF 14/00354/OUTM) TO ALLOW FOR THE REMOVAL OF CHIMNEYS TO PLOTS 90-92 AND 93-95 AND THE INSTALLATION OF CHIMNEYS TO PLOTS 37, 71, 72, 98, 101 AND 104**

The Principal Planning Officer presented the report to members.

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Councillor R Johnson questioned the applicant's statement that it would not now be possible to add chimneys to those dwellings previously granted permission due to the timber construction. He felt that the applicant should prove this as the design of the development had already been agreed. He questioned whether the council wasted its time agreeing the design of a development only for it to be changed by the developer for reasons which lacked supporting evidence. . In his opinion, the amendment would spoil the streetscape. He banged his fists on the desk, and said that he felt that it was wrong for developers to agree the design and subsequently change it.

In response to questions from Councillor M Specht, the Principal Planning Officer advised that the chimneys were all brick built rather than fibre glass construction, and were purely aesthetic. Councillor M Specht said that chimneys would be a fire risk further down the line. It was subsequently confirmed that the chimneys were cosmetic, and not functional.

Councillor J Legrys stated that the officer's report did not provide all of the facts, and complained that Members were provided with reports between 7 and 10 days in advance. He did not consider that gave him enough time to familiarise himself with proposals, or to ask questions about them. He commented that the developer must have known about the structural stability of the buildings at the time the design was agreed. He added that many developers were using lightweight fibreglass chimneys and he saw no reason to make this change.

Councillor V Richichi said he feared that the officer's recommendation should be supported as he considered this to be a minor amendment. He expressed his dislike of the proposals, however, as he preferred dwellings to have chimneys. He said he had been told to go with recommendations to permit Bardon Grange.

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

RESOLVED THAT:

The non-material amendment be agreed 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 5.47 pm

Chairman's signature