

MINUTES of a meeting of the PLANNING Committee held in the Remote Meeting using Microsoft Teams on WEDNESDAY, 13 January 2021

Present: Councillor N Smith (Chairman)

Councillors R Ashman (Substitute for Councillor R Boam (Item A1 only) R Boam, D Bigby, A J Bridgen, R Canny, D Everitt, S Gillard, J Hoult, J Legrys, S Sheahan (Substitute for Councillor D Bigby (Item A1 only) and Councillor D Everitt (Item A3 only), M B Wyatt and G Hoult (Substitute for Councillor D Harrison)

In Attendance: Councillor D Harrison

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond, Mr T Delaney, Mr J Knightley and Miss E Mattley

#### **45. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor D Harrison.

#### **46. DECLARATION OF INTERESTS**

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

Councillor D Bigby declared a pecuniary interest in item A1, application number 19/00652/FULM, as he had objected to the application in a personal capacity before being appointed to the Planning Committee.

Councillor R Boam declared a pecuniary interest in item A1, application number 19/00652/FULM, as the Ward Member.

Councillor D Everitt declared a pecuniary interest in item A3, application number 20/01401/FUL, as the Ward Member.

Councillor J Hoult declared a non-pecuniary interest in item A1, application number 19/00652/FULM, as the Chairman of Ashby Town Council Planning Committee, who had objected to the application. He stated that having read the report and attended the technical briefing, where new information had been provided, he had come to the meeting with an open mind.

During the consideration of item A3, application number 20/01401/FUL, Councillor J Legrys declared a non-pecuniary interest as he was acquainted with a number of the objectors.

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

##### Item A1, application number 19/00652/FULM

Councillor R Ashman, A Bridgen, R Canny, D Everitt, S Gillard, J Hoult, J Legrys, S Sheahan, N Smith and M Wyatt.

##### Item A2, application number 20/01184/VCIM

Councillors J Legrys and M Wyatt.

Item A3, application number 20/01401/FUL

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Councillors D Bigby, J Legrys, S Sheahan and N Smith.

#### 47. MINUTES

Consideration was given to the minutes of the meeting held on 1 December 2020.

Councillor R Boam stated that he had not given his apologies for the last meeting as he had been advised not to attend due to part of the application falling within his ward.

It was moved by Councillor A Bridgen, Seconded by Councillor J Legrys and

RESOLVED THAT

Subject to the removal of Councillor R Boam's apologies, the minutes of the meeting held on 1 December 2020 be approved and signed by the Chairman as a correct record.

#### 48. PLANNING APPLICATIONS AND OTHER MATTERS

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

#### 49. A1

**19/00652/FULM: HYBRID PLANNING APPLICATION FOR REDEVELOPMENT OF THE SITE COMPRISING: OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF CLASS B8 DISTRIBUTION UNIT(S) AND ANCILLARY OFFICES (B1A), SERVICE YARDS AND HGV PARKING, FUEL AND WASH FACILITIES, VEHICULAR AND CYCLE PARKING, GATEHOUSE(S) AND SECURITY FACILITIES, PLANT, HARD AND SOFT LANDSCAPING INCLUDING BOUNDARY TREATMENTS AND RETAINING WALLS, PEDESTRIAN AND CYCLING INFRASTRUCTURE, INTERNAL ROADS, AND FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE. FULL APPLICATION FOR SITE CLEARANCE WORKS (INCLUDING REMOVAL OF RAILWAY, EXISTING TREES/HEDGEROWS AND EXISTING HARDSTANDING), ACCESS FROM (AND ALTERATIONS TO) CORKSCREW LANE, BROOK DIVERSION AND CROSSINGS, EARTHWORKS AND STRUCTURAL LANDSCAPING (INCLUDING BOUNDARY TREATMENTS), ASSOCIATED UTILITIES INFRASTRUCTURE, SURFACE WATER DRAINAGE OUTFALL, AND CONSTRUCTION ACCESS AND COMPOUNDS**  
Former Lounge Disposal Point Ashby Road Coleorton Leicestershire LE65 1TH  
**Officer's Recommendation: PERMIT subject to S106 Agreement**

Having declared a prejudicial interest in the item, Councillors D Bigby and R Boam stepped down from the meeting and were substituted by Councillors S Sheahan and R Ashman. Councillor R Boam remained in the meeting to address the committee as Ward Member and then he left the meeting for the consideration and voting of the item.

The Principal Planning Officer presented the report to members.

Town Councillor M Ball, on behalf of Ashby Town Council, addressed the committee, highlighting the significant impact the development would have on the already severely congested roads, that there was no immediate need for the employment site, that the site was inaccessible by sustainable means of transport, the increased height of the proposed development and that the development proposed would have a detrimental effect on the wider environment. He urged the committee to refuse the application.

Mr K Ward, Chairman of the Ashby Civic Society, objector, addressed the committee, highlighting that the development would have a detrimental effect on the landscape and would be clearly visible to many Ashby residents and, that the development would go against both Ashby's Neighbourhood Plan and the adopted Local Plan, as it was outside

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the Limits to Development. He also highlighted that there were several distribution sites already under construction around the district, that the decision should be delayed until the impact of HS2 was known and that it would have a severe impact on the local highways network. He stated that the applicant's travel plan document contained inaccurate information. He urged the committee to refuse the application.

Mr M Fox, agent, addressed the committee, highlighting that the brownfield part of the site had been designated for employment land in both the Local Plan and the Neighbourhood Plan, that the eastern field on the application would be used for the new access and parking only. He added that the Corkscrew Lane access was more direct and safer than the existing access which could no longer be used due to proposals by HS2, that the proposal would create around 1,000 new jobs. He noted that the development would be built to a high standard of design and would be sustainable and that, a financial contribution would be made to the Coalville Road Strategy. He also noted that there were no technical objections or material planning reasons to refuse the application.

Councillor D Harrison, Ward Member, addressed the committee, highlighting significant concerns over the impact on Air Quality that the development would have, along with the impact the significant increase in vehicle movements from the site would have on the local highway network. He drew member's attention to an FOI document he had received from a resident that he felt highlighted significant concerns over the Air Quality data that had been submitted and in particular its reliability and urged that the application be deferred for that reason.

Councillor R Boam, Ward Member, addressed the committee, highlighting the significant impact the development would have on traffic and that the application that included rail connection that had been permitted back in 2012 did not resemble what was now before them. He noted that part of the site that would be built on was outside the Limits to Development and the impact on Air Quality that the development would have.

Councillor R Boam then left the meeting.

Before the debate took place, the Independent Air Quality Consultant addressed the committee to outline what work that had been carried out as part of the consultation process and clarified matters regarding receptors and the dispersion model.

In determining the application, some members expressed concerns over the impact the development would have on the highways network, that the site lay outside the Limits to Development, that the sustainable transport measures outlined would not be used due to lack of footpaths around the area and the ecology impact the development would have on the area.

Members had regard to the fact that under policy EC1 of the adopted Local Plan, as permission had already been granted for the site, the land could be developed and that the ecology report that had been carried out was acceptable along with the receptor area that would be included for translocation of the native species. It was noted that there were no statutory technical consultee objections and should the HS2 project not go ahead the applicant could revert to the original permission that had been granted as it had commenced.

The Legal Advisor and the Head of Planning and Infrastructure advised the committee that they had no concerns following the concerns that had been put forward by Councillor D Harrison and that due process had been followed.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure was moved by Councillor S Gillard and seconded by Councillor R Ashman.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

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

Councillors R Ashman and S Sheahan stepped down from the meeting and Councillors D Bigby and R Boam returned.

| <b>Motion to permit in accordance with the officer recommendation (Motion)</b> |         |
|--|---------|
| Councillor Nigel Smith   | For     |
| Councillor Alexander Bridgen   | For     |
| Councillor Rachel Canny  | For     |
| Councillor David Everitt   | Against |
| Councillor Stuart Gillard  | For     |
| Councillor Jim Hoult   | Abstain |
| Councillor John Legrys   | Against |
| Councillor Michael Wyatt   | Against |
| Councillor Robert Ashman   | For     |
| Councillor Gill Hoult  | For     |
| Councillor Sean Sheahan  | Against |
| <b>Carried</b>   |         |

50.

**A2**

**20/01184/VCIM: ERECTION OF 360 DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING APPROVED UNDER RESERVED MATTERS APPROVAL REF. 18/00375/REMM (OUTLINE PLANNING PERMISSION REF. 13/00956/OUTM) WITHOUT COMPLYING WITH CONDITION NOS. 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 21, 22, 23, 24, 27, 31, 32 AND 34 SO AS TO ALLOW FOR AMENDED HOUSE AND GARAGE TYPES / POSITIONING, HARD SURFACING, BOUNDARY TREATMENT, EXTERNAL LIGHTING, ROAD LAYOUT, PEDESTRIAN AND CYCLE LINKS, RETAINING WALLS, BIN STORAGE, PUBLIC ART AND SALES CAR PARKING (INCLUDING REFERENCE TO DETAILS PREVIOUSLY APPROVED UNDER CONDITION)**

Land North Of Grange Road Parcels F1 And F2 Hugglescote Coalville Leicestershire LE67 2BQ

**Officer's Recommendation: PERMIT**

The Principal Planning Officer presented the report to members.

In determining the application, some members expressed concerns about the removal of the access point to the abandoned railway line, but noted that there were still 7 other access points, and over the Air Quality issues that would arise from the additional vehicle movements the development would bring.

Members had regard to the fact that there had been no objections to the application, that Air Quality concerns could not be considered under reserved matters, as that was an outline matter, and the access point to the abandoned line had been removed due to the angle of the slope leading down to the line.

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A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure was moved by Councillor R Boam and seconded by Councillor J Hoult.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

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

| <b>Motion to permit the application in accordance with the officer recommendation (Motion)</b> |         |
|--|---------|
| Councillor Nigel Smith   | For     |
| Councillor Russell Boam  | For     |
| Councillor Dave Bigby  | Against |
| Councillor Alexander Bridgen   | For     |
| Councillor Rachel Canny  | For     |
| Councillor David Everitt   | For     |
| Councillor Stuart Gillard  | For     |
| Councillor Jim Hoult   | For     |
| Councillor John Legrys   | Abstain |
| Councillor Michael Wyatt   | Against |
| Councillor Gill Hoult  | For     |
| <b>Carried</b>   |         |

51. **A3**  
**20/01401/FUL: CHANGE OF USE FROM RESIDENTIAL DWELLING (USE CLASS C3) TO CHILDREN'S CAREHOME (USE CLASS C2)**  
 75 Main Street Thringstone Coalville Leicestershire LE67 8ND  
**Officer's Recommendation: PERMIT**

Having declared a pecuniary interest in the item, Councillor D Everitt stepped down from the meeting and was substituted by Councillor S Sheahan. Councillor D Everitt remained in the meeting to address the committee as Ward Member and then he left the meeting for the consideration and voting of the item.

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

Mrs J Howe, objector, addressed the committee, highlighting concerns over privacy, safety and security, noise and disturbance, unreasonable operating hours and overbearing impact, the welfare of the residents at the property and, inadequate parking and loss of amenity. She also expressed concerns over antisocial behaviour, loss of privacy due to the proposed CCTV installation and the path from the property that lead straight to her property, which were relevant and meant the proposal conflicted with the NPPF and Local Plan Policy D2. She urged the committee to refuse the application.

A statement was read out on behalf of the applicant, Dr Mohammed, highlighting that the company ran a number of residential care homes through contracts with Local Authorities and all were registered with Ofsted. It noted the local sufficiency and placement need and the requirement of The Children's Act 1989 for Local Authorities to meet The Sufficiency Duty. It added that the proposed care home would allow young people to maintain family and education links within the area that they had grown up in.

Councillor D Everitt, Ward Member, addressed the committee, highlighting that the location of the proposal in front of them was unsuitable and lacked the space inside that

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vulnerable children required to feel safe. He noted that there were other homes in the district, but their locations were not in such close proximity to neighbouring properties as the one before them. He expressed concerns over the lack of parking, the impact on the neighbours from the noise and disturbance and, that Social Services should have been consulted. He urged the committee to give due care and consideration to the application and refuse it.

Councillor D Everitt then left the meeting.

In determining the application, some members expressed deep concerns over the suitability of the property along with the lack of internal space and facilities, the insufficient parking spaces for such a use and its close proximity to the highway and, the impact the proposal would have on the neighbouring properties and amenities. It was acknowledged that they had a duty of care to the children and the proposal before them would not meet that duty.

Members had regard to the fact that the application before them was for a change of use, and should it be permitted, the property would then have to meet the legal requirements set by Ofsted, which would include facilities. It was noted that a condition limiting the number of children that could reside there had been included and that a condition could be added to include that a noise management scheme be submitted that would provide contact details should noise and disturbance become an issue.

A motion to permit the application in accordance with the recommendation of the Head of Planning and Infrastructure subject to the additional condition in relation to a noise management scheme was moved by Councillor R Boam and seconded by Councillor G Hout.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below. As the vote was tied, the Chairman exercised his casting vote for the motion.

**RESOLVED THAT:**

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure subject to the additional condition relating to a noise management scheme.

| <b>Motion to permit the application in accordance to the officers recommendation, subject to the additional condition in relation to a noise management scheme (Motion)</b> |                    |
|---|--------------------|
| Councillor Nigel Smith  | For                |
| Councillor Russell Boam   | For                |
| Councillor Dave Bigby   | Against            |
| Councillor Alexander Bridgen  | For                |
| Councillor Rachel Canny   | Against            |
| Councillor Stuart Gillard   | Abstain            |
| Councillor Jim Hout   | For                |
| Councillor John Legrys  | Against            |
| Councillor Michael Wyatt  | Against            |
| Councillor Gill Hout  | For                |
| Councillor Sean Sheahan   | Against            |
| Councillor Nigel Smith  | For (Casting Vote) |
| <b>Carried</b>  |                    |

The meeting commenced at 6.02 pm

The Chairman closed the meeting at 8.44 pm

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