

MEETING OF THE COUNCIL

TUESDAY, 17 NOVEMBER 2020

ADDITIONAL PAPERS

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QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR M B WYATT TO COUNCILLOR A WOODMAN

“Since early 2020 I have been supplying the Council’s planning enforcement team with information concerning unauthorised and illegal use of land off Baker Street in Coalville.

The recorded incidents are for dumping of waste, a wheel wash, a lorry park as advertised on the A511, removal, burial and disposal of contaminated soil along with daily burning of plastic and other toxic items.

I would also point out that it was reported and confirmed by officers who visited the site that there was someone living on the site in a caravan, which to date is continuing to do so.

It is now November, and still complaints are being received concerning this site. Can I ask for a full and detail explanation to why action as not yet been taken concerning a number of issues which I have set out. Also can I ask if you agree with your officers comments which were sent to me, that one of the reasons why action was not being taken to address the illegal activity at the site is because the council are awaiting a possible planning application for this site, which in my opinion, is absolutely ridiculous and should never be an excuse to why illegal action is not acted upon.”

REPONSE FROM COUNCILLOR A WOODMAN TO COUNCILLOR M B WYATT

“The Planning Enforcement Team was first made aware of the potential breaches of planning legislation by Cllr Wyatt on 17th February 2020, and an enforcement case was duly opened.

A site visit was conducted on 5th March 2020, the outcome of which was that the activities should either cease or retrospective applications should be submitted for each use.

On the 10th March 2020 Cllr Wyatt was informed that the other activities alleged to be taking place fell under the jurisdiction of the Environment Agency and were not a matter for the district council. The other matters raised concerned the importation of waste and the removal and disposal of contaminated soil on the site. These were reported on the same day to the Environment Agency.

A further site visit was conducted on 26th May 2020 to establish the current activities and officers were able to confirm that in addition to the earlier reported activities there was a fleet vehicle washing business operating from the site. The outcome was that the owner of the business was instructed by officers to submit retrospective planning applications for the additional business uses.

A reasonable period of time was given to allow the owner to submit a planning application. Since a reasonable time had elapsed and no application had been received, a further site visit was conducted on 5th November 2020. The visit confirmed that the lorry/wheel washing/fleet cleaning business and the lorry park business had both ceased and left site. The alleged unauthorised occupation of the caravan relates to a static caravan which investigations have concluded. Its purpose is to provide 24 hour security for the site. The individual that occupies the caravan is employed as a security guard for the site and therefore the siting of the caravan is considered ancillary to the established factory/warehouse use at the site and therefore no breach of planning control exists.

The planning enforcement case has now been closed since the site complies with that of storage/warehouse and no breach of planning control exists.

In relation to the point regarding action not being taken due to a proposed new application being submitted for the re-development of the area as a whole. I can confirm that this case has been investigated in line with the councils Planning Enforcement Policy and government guidance which provides for a graduated approach. Careful consideration needs to be given to each planning enforcement case and each case balanced on its own merits, consideration needs to be given with regards to expediency, public interest, negotiation, proportionality and that both the council and developer have acted reasonably.

In this case although an application was not received, when the compliance check was made all activities had ceased. If they had not ceased then more formal action would have been considered.”

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QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLORS J LEGRYS AND J GEARY TO COUNCILLOR R ASHMAN

Marlborough Square Coalville

“Council announced during summer 2018 that work would start on the reconstruction of Marlborough Square in October 2018. Following Tender returns Council found that costs exceeded allocated Budget and paused all works.

During 2019 Councillors were informed that negotiations with County Highways to agree legal and operational arrangements were “ongoing”.

Question:

“It is now November 2020 and there is no indication when the paused Marlborough Square reconstruction works will be completed. What are the reasons for this extended delay and what are the current projected start and completion dates for these works.”

RESPONSE FROM COUNCILLOR R ASHMAN TO COUNCILLORS J LEGRYS AND J GEARY

“Discussions with LCC Highways at the end of 2019 / beginning of 2020 identified that the proposed redevelopment of Marlborough Square would require A Section 278 Agreement and a Change Of Use planning consent secured sequentially in that order. No works can commence legally until these two consents are in place.

A S278 Application was submitted to Leicestershire County Highways in April 2020. Substantial comments / queries and requests for further information started to be returned to us from the end of May with the final replies received in August.

In total there are almost 100 queries that require us to either: refine our proposals, amend our drawings, provide more supporting evidence or engage in further discussion with the Highways Authority or other statutory bodies.

The comments received have been collated onto a “Tracker Document” and officers and consultants are now working to resolve and close out each issue.

The ability to close out some issues, particularly those requiring further traffic survey have been hampered by Covid restrictions (LCC Highways are not prepared to validate any traffic figures gained during lockdown as they argue that traffic levels are below the norm) and therefore progress has not been as swift as desired.

At present we are targeting making a resubmission of the S278 by the end of the year however this may be delayed if vehicle swept path analysis requires any significant redesign.

Until all the details submitted as part of the S278 have been agreed by LCC Highways we are unable to provide a clear date upon which construction works will commence.

Councillors will have the opportunity to review in detail the progress being made on this project at the Coalville Members Meeting scheduled for 30th November.”

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QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR D BIGBY TO COUNCILLOR R ASHMAN

“Ashby residents are increasingly concerned about the dereliction of one of their most important historic buildings, the Grade 2* listed Royal Hotel, which is approaching its 200th anniversary and was closed for business in March 2018. When did the Council last inspect the premises, what repair work was found to be required to protect the fabric of the building and what steps are the council taking to ensure that the necessary repairs are carried out and that further deterioration is prevented?”

RESPONSE FROM COUNCILLOR R ASHMAN TO COUNCILLOR D BIGBY

“Officers have been carrying out regular inspections of the Royal Hotel for the last two years, other than a period during the first national lockdown this year, and have secured a number of repair works where necessary and additional security measures including the provision of steel ventilated window guards on all windows and doors, the introduction of CCTV and improved boundary heras fencing. More recently, the Council last inspected the premises on 6th November 2020, as a follow up to inspections carried out on 3rd August and 30th September where the owner had agreed to carry out a number of repair works identified by the Council by the end of October.

At the inspection on 6th November, it was confirmed that the owner has undertaken some remedial measures as requested including the erection of scaffolding around a number of chimneys, repair work to chimneys, replacement of defective roof tiles and some guttering. However, a number of repairs that the owner agreed to have carried out by the end of October had not been completed. As such, the Council has now served an Urgent Works Notice which requires the owner to ensure removal of the ‘tank room’, repair the defective chimney stack, eaves, gutters and fasciae within four weeks of the date of the notice. If the owner does not carry out the necessary works within the specified timescale then the Local Planning Authority can undertake the works and claim back the costs.

Some of the repair works identified by officers are not proposed to be included on the Urgent Works Notice at this stage until such time as further high level investigations are carried out, and in recognition that the updated Condition Survey that is currently being carried out by the owner of the Royal Hotel will provide further clarity on these outstanding matters. However, all other outstanding actions identified will continue to be monitored at regular on-site monthly meetings by officers and further Urgent Works Notices may be necessary in the future.

In terms of the current planning application, the updated Condition Survey currently being undertaken will help inform the applicants enabling development proposals. In addition, the applicants are currently working up amended drawings for the proposed new buildings either side of the hotel and officers have been advised that it is anticipated that a revised package of information including amended plans for the proposed new buildings will be submitted by mid-December and once received, will be sent out for re-consultation.

The latest "Royal Hotel Building Condition and Planning Position Update Report November" 2020 has been circulated to all the Ashby ward members, the leader and deputy leader of the Council and the Chairman of Planning Committee."

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MOTIONS

AMENDMENT TO MOTION 1.

Councillor Sheahan submitted a motion, the details of which are set out in your agenda.

Both the Labour and Conservative groups have worked collaboratively to agree some revised wording. The motion, which Members are now being asked to consider now reads as follows:-

“This Council notes that Commonwealth and Nepalese veterans have a long and proud history of service in the British military. From conflicts of old, such as World War Two, to recent conflicts such as Iraq and Afghanistan, these veterans have served with distinction alongside British-born veterans.

However when their service is complete, many are left with charges to remain in the UK, which in some cases are extremely high. This Council also notes many such veterans state that the Army failed to inform them that they needed to make an immediate application to the Home Office for leave to remain in the UK when their service was complete. Many thought the process was automatic yet this is not the case.

This Council acknowledges the excellent campaign organised by the Royal British Legion to resolve such cases and agree a fairer system for the future, which has gathered all party support. Whilst welcoming the fact that the Ministry of Defence is in communication with the Home Office on this matter, this Council resolves to make their Armed Forces Champion and lead officers aware of the difficulties experienced by Commonwealth and Nepalese veterans and to ensure that those who are currently experiencing problems, whether financial or immigration difficulties, are not disadvantaged whilst their applications are ongoing.

This Council requests that the Leader of the Council write to the Prime Minister, the Parliamentary Under Secretary of State (Minister for Future Borders and Immigration,) Kevin Foster MP and the Parliamentary Under Secretary of State (Minister for Defence People and Veterans,) Johnny Mercer MP, outlining our support for all Commonwealth and Nepalese veterans who have served a minimum of 4 years to be granted the automatic and free of charge right to remain in the UK.

Furthermore, This Council calls upon the Leader of the Council to write to Andrew Bridgen MP for North West Leicestershire, on the behalf of this Council, to ask that he press the Government for a change in the legislation that affects those that have served diligently and honourably for this Country.”

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AGENDA ITEM 9 – MINUTES

Minor alteration to minute number 26 which reads

“He also disputed an earlier claim regarding the voting at a recent Planning Committee given how he personally had voted”

to now read :-

“He also disputed an earlier claim regarding the voting at a recent Planning Committee and reiterated how he had supported the application”.

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