

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 December 2019

Present: Councillor N Smith (Chairman)

Councillors A J Bridgen, R Canny, J Clarke, D Everitt, D Harrison, J Hoult, J Legrys, M B Wyatt, R Johnson, V Richichi (Substitute for Councillor R Boam) and R Ashman

In attendance: Councillor J Geary

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs R Wallace, Mr J Arnold, Mr C English, Mrs H Exley, Mr P Sanders, Mrs M Scott and Ms K Duncan

#### **49. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Boam.

#### **50. DECLARATION OF INTERESTS**

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

Councillor J Legrys declared a non-pecuniary interest in items A1 and A2, application numbers 19/00770/FUL and 19/01565/FUL, as he lived in the area.

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 19/00770/FUL

Councillors R Canny, J Clarke, J Legrys and M B Wyatt

Item A2, application number 19/01565/FUL

Councillors R Canny, J Clarke and M B Wyatt

Item A4, application number 19/01837/FUL

Councillor J Legrys

#### **51. MINUTES**

Consideration was given to the minutes of the meetings held on 15 October 2019 and 5 November 2019.

It was moved by Councillor N Smith, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meetings held on 15 October 2019 and 5 November 2019 be approved and signed by the Chairman as a correct record.

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

Consideration was given to the report of the Head of Planning and Infrastructure.

Chairman's initials

**53. A1**  
**19/00770/FUL: CHANGE OF USE OF TATTOO SHOP TO AN A5 (HOT FOOD TAKEAWAY) USE, INSTALLATION OF FLUE TO REAR AND ALTERATIONS TO SHOP FRONT**

68 - 70 Belvoir Road Coalville Leicestershire LE67 3PP

**Officer's Recommendation: Permit**

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

Mr K Kristofferson, objector, addressed the committee highlighting the current problems with parking and speeding along Belvoir Road. He expressed concerns regarding the number of hot food takeaway shops in the area and the possible effect this had on the health of residents. He also raised the issue of noise and disturbance the premises would create for the local residents, especially the elderly and families. He added that the neighbours on both sides of the premises had disabled children and if successful, the premises would create both access and noise problems.

Councillor J Geary, Ward Member, addressed the committee raising concerns in relation to the highway problems and the lack of an objection from the County Highway Authority, even though further consultation had taken place following the deferral of the application at the previous meeting. As the District Council were aware of the serious nature of the incidents that occurred on Belvoir Road, he questioned the authority's duty and the possibility of negligence should further incidents occur if the application was permitted.

The Legal Advisor informed Members that as the County Highway Authority had not raised an objection with the application, the District Council would not be negligent should an incident occur if the application was permitted.

In determining the application, Members expressed concerns regarding the impact of noise and disturbance on local amenity, especially to the nearest neighbours who had disabled children. Members were disappointed that there were no objections from the County Highway Authority as they were aware of the problems with parking and speeding along Belvoir Road.

A motion to permit the application in accordance with the officer's recommendations was moved by Councillor J Hoult and seconded by Councillor D Harrison.

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

The motion was declared LOST.

A motion to refuse the application on the grounds of adverse impact of noise and disturbance to local amenity was moved by Councillor J Legrys and seconded by Councillor A Bridgen.

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

**RESOLVED THAT:**

The application be refused on the grounds of adverse noise and disturbance to local amenity.

| <b>Motion to agree the recommendation as detailed in the report (Motion)</b> |         |
|------------------------------------------------------------------------------|---------|
| Councillor Nigel Smith                                                       | For     |
| Councillor Alexander Bridgen                                                 | Against |

Chairman's initials

|                                                                                                               |                  |
|---------------------------------------------------------------------------------------------------------------|------------------|
| Councillor Rachel Canny                                                                                       | Against          |
| Councillor John Clarke                                                                                        | Against          |
| Councillor David Everitt                                                                                      | Against          |
| Councillor Dan Harrison                                                                                       | For              |
| Councillor Jim Houl                                                                                           | For              |
| Councillor John Legrys                                                                                        | Against          |
| Councillor Michael Wyatt                                                                                      | Against          |
| Councillor Russell Johnson                                                                                    | Against          |
| Councillor Virge Richichi                                                                                     | Against          |
| Councillor Robert Ashman                                                                                      | No vote recorded |
| <b>Rejected</b>                                                                                               |                  |
|                                                                                                               |                  |
| <b>Motion to refuse the application on the grounds of noise and disturbance to the local amenity (Motion)</b> |                  |
| Councillor Nigel Smith                                                                                        | Against          |
| Councillor Alexander Bridgen                                                                                  | For              |
| Councillor Rachel Canny                                                                                       | For              |
| Councillor John Clarke                                                                                        | For              |
| Councillor David Everitt                                                                                      | For              |
| Councillor Dan Harrison                                                                                       | Against          |
| Councillor Jim Houl                                                                                           | Against          |
| Councillor John Legrys                                                                                        | For              |
| Councillor Michael Wyatt                                                                                      | For              |
| Councillor Russell Johnson                                                                                    | For              |
| Councillor Virge Richichi                                                                                     | For              |
| Councillor Robert Ashman                                                                                      | No vote recorded |
| <b>Carried</b>                                                                                                |                  |

54.

**A2****19/01565/FUL: PROPOSED ADDITIONAL A5 USE (HOT FOOD TAKEAWAYS) TO EXISTING C1 AND A3 USE**

The Halfway House 128 Belvoir Road Coalville Leicestershire LE67 3PQ

**Officer's Recommendation: Permit**

The Senior Planning Officer presented the report to Members.

Councillor J Geary, Ward Member, addressed the committee highlighting the highway issues in the area. He also stated that the applicant had been serving hot food takeaway since the original permission had been granted, therefore the application in front of Members was a retrospective one. As such he expressed concerns, as the applicant might not adhere to any planning conditions imposed.

In determining the application, Members expressed concerns regarding the highway issues in the area and that the applicant was already serving hot food to take away without permission. However, the majority of Members were pleased that the derelict premises had been transformed into a thriving business and that there were some off-street car parking facilities available for customers.

A motion to permit the application in accordance with the officer's recommendations was moved by Councillor V Richichi and seconded by Councillor D Harrison.

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

RESOLVED THAT:

Chairman's initials

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

| <b>Motion to agree the recommendation as detailed in the report (Motion)</b> |                  |
|------------------------------------------------------------------------------|------------------|
| Councillor Nigel Smith                                                       | For              |
| Councillor Alexander Bridgen                                                 | For              |
| Councillor Rachel Canny                                                      | For              |
| Councillor John Clarke                                                       | For              |
| Councillor David Everitt                                                     | Against          |
| Councillor Dan Harrison                                                      | For              |
| Councillor Jim Houl                                                          | For              |
| Councillor John Legrys                                                       | Against          |
| Councillor Michael Wyatt                                                     | Against          |
| Councillor Russell Johnson                                                   | Against          |
| Councillor Virge Richichi                                                    | For              |
| Councillor Robert Ashman                                                     | No vote recorded |
| <b>Carried</b>                                                               |                  |

- 55. A3**  
**19/00619/OUT: DEMOLITION OF THE TWO NO DUTCH BARNs AND ERECTION OF ONE DWELLING AND SINGLE STOREY GARAGE WITH ANNEXE ACCOMMODATION (OUTLINE-ACCESS AND LAYOUT INCLUDED)**  
 Manor Farm Main Street Breedon On The Hill Derby DE73 8AN  
**Officer's Recommendation: Permit**

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the committee highlighting that the application site was within the limits to development, had adequate access and had received no objections from statutory consultees. He added that the residents' concerns in relation to the heavy good vehicles on the site during construction had been addressed, and urged Members to support the application.

In determining the application, Members noted the improvement the proposal would make to the currently derelict site and spoke in support of the application.

A motion to permit the application in accordance with the officer's recommendations was moved by Councillor J Legrys and seconded by Councillor V Richichi.

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

**RESOLVED THAT:**

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

| <b>Motion to agree the recommendation as detailed in the report (Motion)</b> |     |
|------------------------------------------------------------------------------|-----|
| Councillor Nigel Smith                                                       | For |
| Councillor Alexander Bridgen                                                 | For |
| Councillor Rachel Canny                                                      | For |
| Councillor John Clarke                                                       | For |
| Councillor David Everitt                                                     | For |
| Councillor Dan Harrison                                                      | For |
| Councillor Jim Houl                                                          | For |

Chairman's initials

|                            |                  |
|----------------------------|------------------|
| Councillor John Legrys     | For              |
| Councillor Michael Wyatt   | For              |
| Councillor Russell Johnson | For              |
| Councillor Virge Richichi  | For              |
| Councillor Robert Ashman   | No vote recorded |
| <b>Carried</b>             |                  |

At the conclusion of the item, the meeting was adjourned for a short comfort break at 8.17pm. The meeting reconvened at 8.22pm.

- 56. A4**  
**19/01837/FUL: CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS A4) TO INDOOR MARKET AND OTHER EXTERNAL ALTERATIONS**  
Former Site Of Litten Tree Public House 10 Marlborough Square Coalville Leicestershire LE67 3WD  
**Officer's Recommendation: Permit**

The Planning Officer presented the report to Members.

The Head of Community Services, representing the authority as the applicant, addressed the Committee. He highlighted how the proposals would further compliment the plans for Marlborough Square and would bring footfall into the town to assist with the regeneration of Coalville.

A motion to permit the application in accordance with the officer's recommendations was moved by Councillor V Richichi and seconded by Councillor R Johnson.

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

RESOLVED THAT:

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

| <b>Motion to agree the recommendation as detailed in the report (Motion)</b> |                  |
|------------------------------------------------------------------------------|------------------|
| Councillor Nigel Smith                                                       | For              |
| Councillor Alexander Bridgen                                                 | For              |
| Councillor Rachel Canny                                                      | For              |
| Councillor John Clarke                                                       | For              |
| Councillor David Everitt                                                     | For              |
| Councillor Dan Harrison                                                      | For              |
| Councillor Jim Hault                                                         | For              |
| Councillor John Legrys                                                       | For              |
| Councillor Michael Wyatt                                                     | Abstain          |
| Councillor Russell Johnson                                                   | For              |
| Councillor Virge Richichi                                                    | For              |
| Councillor Robert Ashman                                                     | No vote recorded |
| <b>Carried</b>                                                               |                  |

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.34 pm

Chairman's initials