

MINUTES of a meeting of the PLANNING Committee held in the MS Teams Live Event on TUESDAY, 7 July 2020

Present: Councillor N Smith (Chairman)

Councillors R Ashman (Substitute for N Smith on Item A2), R Boam, D Bigby, R Canny, D Everitt, S Gillard, D Harrison, G Hoult (Substitute for R Boam on Item A2), J Hoult, J Legrys and M B Wyatt

In Attendance: Councillors R Johnson

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mr T Delaney, Mr C English, Mrs H Exley, Mrs M Long and Mrs C Hammond

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Bridgen.

2. DECLARATION OF INTERESTS

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

Councillor R Ashman, G Hoult, J Hoult and J Legrys declared non-pecuniary interests in item A2, application number 20/00676/FUL, as they had served with the applicant during his time as an elected member of the Council but had come to the meeting with open minds.

Councillor R Boam declared a non-pecuniary interest in item A2, application number 20/00676/FUL, as the ward member and advised that once he had addressed the committee he would leave the meeting.

Councillor R Canny declared a non-pecuniary interest in item A1, application number 20/00457/FUL, as the ward member and advised that once she had addressed the committee she would leave the meeting for the consideration of the item.

Councillor N Smith declared a non-pecuniary interest in item A2, application number 20/00676/FUL, as a close friend of the applicant and advised that he would leave the chair and the meeting.

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 A2, application number 20/00676/FUL

Councillors D Bigby, R Canny, S Gillard, D Harrison, J Legrys and M B Wyatt.

Having declared their interests, Councillors R Ashman and G Hoult left the meeting until the consideration of item A2 and took no part in the discussion and voting on item A1.

3. MINUTES

Consideration was given to the minutes of the meeting held on 2 June 2020, as amended in the update sheet.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

Chairman's initials

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting on 2 June 2020, as amended in the update sheet be approved and signed by the Chairman as a correct record.

4. **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.

5. **A1**

20/00457/FUL: PROPOSED CHANGE OF USE OF SITE FROM RESIDENTIAL TO RESIDENTIAL AND DOG BREEDING

Cavendish Lodge Back Lane Cavendish Bridge Shardlow Derby DE72 2HL

Officer's Recommendation: Permit

Having declared an interest in the item Councillor R Canny left the committee to speak as Ward Member.

The Planning Officer presented the report to Members

Councillor Bernadette O'Dowd, on behalf of Castle Donington Parish Council addressed the committee highlighting that the owners had been breeding dogs on the site since May 2019 and that there was a constant barking noise throughout the day for two months until residents submitted complaints. She noted that the owners had advised of the work that had been carried out to mitigate the noise, but it was believed that no breeding had taken place for a while and once it started again the noise would return. She raised concerns over the site being located in a high risk area for flooding and outlined recent flooding events. She urged the committee to refuse the application.

A statement was read out on behalf of Mr Mark Baskcomb, objector, highlighting the potential noise levels from the site, which formal complaints had been made about in the past and that the noise would start from 6.30am and continue through to 10pm, seven days a week. He also raised concerns over the welfare of the dogs, as the site was situated in an area prone to high flood level risk, advising that the applicant's dwelling was on stilts but the kennels would be on ground level. He noted that the documents of support were from people outside of the community rather than those who would be impacted by the noise.

Mr Philip Rowland, agent, addressed the committee highlighting that the application sought to re-use a number of existing buildings, and the business would be appropriately located in the countryside, which would be deemed acceptable in accordance with the NPPF and Local Plan Policy S3. It was noted that there had not been any complaints in relation to noise since the applicant had fully sound insulated the buildings and, installed CCTV and a noise monitoring system. He informed Members that the business would be classed as a less vulnerable use in terms of the Flood Risk Vulnerability Classification and that the applicant had signed up to the Environmental Agency's Flood Warnings service to provide information for the removal of the dogs to a safe location. He added that the applicant had worked with officers throughout the application process and that the proposed development complied with all relevant planning policies and posed no highway safety issues.

Councillor Rachel Canny, Ward Member, addressed the committee highlighting that on a previous occasion when the site had flooded, twelve dogs had to be relocated to the owner's dwelling and that the owner had advised that an area outside the flood area

Chairman's initials

would be raised to mitigate the issue in the future. She noted the previous noise complaints, that there was no sound insulation in the dog runs and that the fence adjoining the children's play area had been re-enforced, however not all the perimeter works had been finished and asked that it be completed before permission was given, along with consideration to the height. She expressed concerns over the possible odour from the dog waste that would be kept on site, the different breeds of dogs that would be bordered there and the type of monitoring that would be put in place to deal with future noise issues.

Councillor R Canny then left the meeting and took no part in the consideration of the item and the voting thereon.

In determining the application, members noted the additional conditions that were included in the update sheet. Concerns were expressed over the numbers and breed of dogs that would be on site at any one time, and that the boundary treatment should be completed and appropriate insulation be fitted in the buildings before any permission be given. It was requested that the concerns be conditioned. Consideration was also given to waste disposal, drainage and that a licence would also be required from a Vet, before any breeding could take place, which would also consider the number of dogs allowed on the site.

Members felt that, if they were minded to permit the application, the permission given should be robust and requested that full consideration be given to all of the conditions that would be secured on the permission and asked that the Chairman of the Committee and Ward Member be consulted on the conditions before the permission was granted.

A motion to permit the application in accordance with the officer recommendation and that the approval of conditions and wording be delegated to the Head of Planning and Infrastructure in consultation with the Chairman of the Committee and the Ward Member was moved by Councillor J Legrys 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:

The application be permitted in accordance with the officer recommendation and that the approval of conditions and wording be delegated to the Head of Planning and Infrastructure in consultation with the Chairman of the Committee and the Ward Member.

Motion to permit the application in accordance with the officer's recommendation and approval of conditions and wording be delegated to the Head of Planning and Infrastructure in consultation with the Chairman of the Committee and Ward Member (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor Rachel Canny	Conflict Of Interests
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hoult	Against
Councillor John Legrys	For
Councillor Michael Wyatt	Against
Carried	

Councillor R Canny returned to the meeting.

Chairman's initials

As both the Chairman and Deputy Chairman had declared interests in the next item the Chairman sought nominations to elect a Chairman for the consideration of item A2.

It was moved by Councillor D Harrison, seconded by Councillor J Legrys and

By affirmation of the meeting it was
RESOLVED THAT:

Councillor D Harrison take the chair for the remainder of the meeting.

6. A2
20/00676/FUL: ERECTION OF THREE DETACHED DWELLINGS WITH GARAGES
Land At Loughborough Road Peggs Green Coleorton Leicestershire. LE67 8HJ
Officer's Recommendation: Refuse

Having declared interests in the item, Councillor N Smith left the meeting at 6.10pm and took no part in the consideration of the item and the voting thereon and Councillor R Boam left the committee to speak as Ward Member.

Councillors R Ashman and G Houlton joined the meeting as substitutes for Councillors N Smith and R Boam.

The Senior Planning officer presented the report to Members.

Councillor Roger Cairns, on behalf of Swannington Parish Council, addressed the committee highlighting that the site fell outside the Limits to Development and should not have been permitted previously. He noted the previous applications on the site, a number of which had been refused and that permitting the application would set a precedent for applications outside the limits.

Mr Andrew Large, agent, addressed the committee highlighting that little weight was being put upon the selfbuild angle of the application, due to the applicant's desire to provide serviced plots and that little weight was being attached to the previous approval for which a discharge of condition application was made. He noted that in relation to sustainability, the reliance on the car was dwindling as working from home and home deliveries were becoming the new normal, therefore dwellings on the site were no more or less suitable than in the centre of a town.

Councillor R Boam, Ward Member, addressed the committee highlighting that he called in the application as the previous one was considered by members. He noted that the highways issues had now been agreed and felt that smaller developments were required in the village to ensure the sustainability of the area. He urged members to permit.

Councillor R Boam then left the meeting at 6.25pm and took no part in the consideration of the item and the voting thereon.

In determining the application members acknowledged that the application site now lay outside the Limits to Development as set out in the adopted Local Plan, that the Council now had the required 5 year housing land supply and that the sustainability of the area had changed since the previous application had been permitted.

A motion to refuse the application in accordance with the officer recommendation was moved by Councillor D Bigby and seconded by Councillor J Legrys.

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

Chairman's initials

RESOLVED THAT:

The application be refused in accordance with the officer recommendation.

Motion to refuse the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	Conflict Of Interests
Councillor Russell Boam	Conflict Of Interests
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Dan Harrison	For
Councillor Jim Hout	Against
Councillor John Legrys	For
Councillor Michael Wyatt	For
Councillor Robert Ashman	For
Councillor Gill Hout	For
Carried	

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 6.40 pm