

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 October 2021

Present: Councillor N Smith (Chairman)

Councillors R Boam, D Bigby, A J Bridgen, D Everitt, S Gillard, J Legrys, R L Morris, J G Simmons, M B Wyatt and J Bridges (Substitute for Councillor J Hoult)

In Attendance: Councillors R Johnson, K Merrie MBE, J Geary and R Canny

Officers: Mr C Elston, Mrs C Hammond, Ms K Duncan, Ms S Grant, Mr J Knightley, Mrs R Wallace and Ms D Wood

## **28. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor J Hoult.

## **29. DECLARATION OF INTERESTS**

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

Councillor R Boam declared a pecuniary interest in item A1, application number 19/01916/FULM, as the ward member.

Councillor J Bridges declared a pecuniary interest in items A2, application number 20/00362/FUL and A3, application number 19/01255/FUL, as the ward member.

Councillor S Gillard declared a pecuniary interest in item A4, application number 21/00099/VCIM, as the ward member.

Councillor M B Wyatt declared a non-pecuniary interest in item A1, application number 19/01916/FULM, as member of Whitwick Parish Council.

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 19/01961/FULM

Councillors D Bigby, A Bridgen, D Everitt, J Legrys and N Smith.

### Item A2, application number 20/00362/FUL

Councillors J Legrys and N Smith.

### Item A3, application number 19/01255/FUL

Councillor J Legrys

## **30. MINUTES**

Consideration was given to the minutes of the meeting held on 2 September 2021.

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

RESOLVED THAT:

Chairman's initials

The minutes of the meeting held on 2 September 2021 be approved and signed by the Chairman as a correct record.

### 31. 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.

### 32. A1

#### **19/01961/FULM: HYBRID PLANNING APPLICATION FOR DEVELOPMENT OF THE SITE COMPRISING: FULL APPLICATION FOR THE CHANGE OF USE OF LAND FOR USE AS A CARAVAN SITE AS DEFINED BY S336 OF THE TOWN AND COUNTRY PLANNING ACT, TOGETHER WITH ASSOCIATED WORKS. OUTLINE APPLICATION FOR THE ERECTION OF ASSOCIATED RESTAURANT/BAR/SHOP AND OFFICE (ACCESS ONLY)**

Land At Spring Lane Swannington Leicestershire LE67 8QR

**Officer's Recommendation: PERMIT subject to S106 Agreement**

Having declared a pecuniary interest in the item, Councillor R Boam stepped away from the committee and took a seat in the public gallery.

The Principal Planning Officer presented the report to members.

Councillor R Cairns, on behalf of Swannington Parish Council, addressed the committee highlighting the significant number of objections to the application and that fly tipping had been carried out for months on the site, with no enforcement action having been taken and that, should the application be approved the applicant would have a valid reason for continuing with the dumping. He noted the pressure from Central Government to allow developments where tourism was concerned, but there was defined need within the area. He urged the committee to refuse the application.

The Democratic Services Officer read out a statement on behalf of an objector highlighting, that the EIA lacked any credible screening exercise, that the assessment against policy S3 was flawed, as the impact on the separation between Coalville and Swannington had been dismissed purely due to the reduction within the scheme and, that criterion 4 of the same policy had been misinterpreted. It was noted that the assessment for criterion 5 was questionable, as because the site was within the National Forest, did not mean that it was acceptable for tourist accommodation. Concerns were also raised over mitigation measures, the assessment relating to amenity, the traffic survey and the ecology appraisal.

Mr D Hancock, agent, addressed the committee highlighting that the application had been in for two years during which time the applicant had worked closely with officers to bring forward the application before them, which had seen a significant reduction in the number of proposed units and has addressed all technical objections. He highlighted the number of jobs and the financial impact on the local economy the application would have and advised that the use of the site would be for holiday lets only. He noted that the proposal would provide for better public access to the site when compared with the existing arrangement which was restricted due to the site being privately owned and that the site would be run within a Family business that already operated a number of successful holiday parks in the UK. He asked the committee to support the application.

Councillor R Boam, ward member, addressed the committee highlighting the number of objections that he had received and advised that he fully supported the concerns raised by the Parish Council. He also noted the concerns over disruption to public access and the impact upon views of the walkers, the highway survey not having been redone since changes to the speed limit have been introduced along Spring Lane and that no EIA had

Chairman's initials

been completed. He stated that the application was against policy S3 criterion ii. Councillor Boam stated that the site was isolated site and on land divorced from settlement boundaries and should therefore be refused.

Councillor R Boam then left the meeting and took no part in the debate and voting thereon.

In determining the application, members expressed concerns regarding the fact that no EIA had been carried out, the loss of a number of trees and that the application did not have regard to the climate change. They sought assurances that the application would not be a doorway to further development on the site, that an appropriate number of trees would be planted to replace those lost and that a note to the applicant be included to ensure all public rights of way be appropriately signposted.

Members were advised by officers that due process had been carried out in respect of screening and scoping in relation to the Environmental impact, and it was noted that local attractions were bringing in visitors from outside the district who would require accommodation.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor J Bridges and seconded by Councillor R Morris.

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 recommendations of the Head of Planning and Infrastructure.

Councillor R Boam returned to the meeting

| <b>Motion to permit the application in accordance with the officer recommendation (Motion)</b> |                       |
|--|-----------------------|
| Councillor Nigel Smith   | For                   |
| Councillor Russell Boam  | Conflict Of Interests |
| Councillor Dave Bigby  | For                   |
| Councillor Alexander Bridgen   | For                   |
| Councillor David Everitt   | For                   |
| Councillor Stuart Gillard  | Against               |
| Councillor John Legrys   | For                   |
| Councillor Ray Morris  | For                   |
| Councillor Jenny Simmons   | For                   |
| Councillor Michael Wyatt   | For                   |
| Councillor John Bridges  | For                   |
| <b>Carried</b>   |                       |

**33. A2  
20/00362/FUL: CONTINUED USE OF CARAVAN SITE FOR A MIXTURE OF  
PERMANENT RESIDENTIAL ACCOMMODATION AND SHORT TERM HOLIDAY  
ACCOMMODATION**

Ashby Woulds Residential Park Spring Cottage Road Overseal Derby DE12 6ND  
**Officer's Recommendation: PERMIT**

Having declared a pecuniary interest in items A2 and A3 Councillor J Bridges stepped away from the committee and took a seat in the public gallery.

Chairman's initials

The Chairman advised that items A2 and A3 would be considered together, but would be voted on separately.

The Senior Planning Officer presented the report to members.

Councillor E Shepard, on behalf of Ashby Woulds Town Council, addressed the committee, highlighting that the original planning application for the site was for residential use only, that discussions had not taken place with the residents to reach a way forward and that the noise management plan was not effective. He urged the committee to refuse both applications.

Ms A Smith, objector, addressed the committee, highlighting that the site had been marketed originally as a residential site and, since 2018 lodges had been let out as short term holiday lets which was contrary to the planning approval and site license. She noted that the applicant had put together a management plan re noise, but it was not effective, that the site did not support the local economy and outlined a number of problems that had arisen from the lets. She noted that there was no objection to the retention of the outbuildings, but that they be used for storage only.

Councillor J Bridges, ward member addressed the committee, highlighting that the report did not detail how the application met Ec13, with regards to the mixed use and that the referenced appeal had no relevance to the application before them. He noted that should the committee permit the application it would set a precedent, as there was nothing in the planning policies to defend any future decisions. He noted the only planning ground to refuse the application was on noise impact, which was not considered as part of the assessment of the mixed use.

Councillor J Bridges then left the meeting and took no part in the debate and voting thereon.

In determining the application, members expressed concerns that the application was contrary to policy D2, that the application had breached conditions from the original permission and the use of lodges for short term holiday lets was having a detrimental impact in the residents of the site.

The recommendation to refuse the application on the grounds that it contravened policy D2, due to the impact on residential amenity, was moved by Councillor D Bigby and seconded by Councillor R Boam.

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 that it contravened policy D2, due to the impact on residential amenity.

| <b>Motion to refuse the application on the grounds that it contravened policy D2 (Motion)</b> |                       |
|---|-----------------------|
| Councillor Nigel Smith  | For                   |
| Councillor Russell Boam   | For                   |
| Councillor Dave Bigby   | For                   |
| Councillor Alexander Bridgen  | For                   |
| Councillor David Everitt  | For                   |
| Councillor Stuart Gillard   | For                   |
| Councillor John Legrys  | Conflict Of Interests |
| Councillor Ray Morris   | For                   |
| Councillor Jenny Simmons  | For                   |

Chairman's initials

|                          |                       |
|--------------------------|-----------------------|
| Councillor Michael Wyatt | For                   |
| Councillor John Bridges  | Conflict Of Interests |
| <b>Carried</b>           |                       |

34.

**A3****19/01255/FUL: RETENTION OF SEVEN OUTBUILDINGS**

Ashby Woulds Residential Park Spring Cottage Road Overseal Derby DE12 6ND

**Officer's Recommendation: PERMIT**

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor R Boam 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 permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

Councillor J Bridges returned to the meeting.

| <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  | For                   |
| Councillor Alexander Bridgen   | For                   |
| Councillor David Everitt   | For                   |
| Councillor Stuart Gillard  | For                   |
| Councillor John Legrys   | Conflict Of Interests |
| Councillor Ray Morris  | For                   |
| Councillor Jenny Simmons   | For                   |
| Councillor Michael Wyatt   | Against               |
| Councillor John Bridges  | Conflict Of Interests |
| <b>Carried</b>   |                       |

35.

**A4**

**21/00099/VCIM: ERECTION OF LEISURE CENTRE AND ASSOCIATED DEVELOPMENT APPROVED UNDER PLANNING PERMISSION REF. 19/01343/FULM WITHOUT COMPLYING WITH CONDITIONS NOS. 2, 3, 5, 6, 8, 10, 12, 14, 18, 19, 21, 22, 25, 27 AND 28 SO AS TO ALLOW FOR AN AMENDED SITE ACCESS, AMENDED ELEVATIONS, AMENDED SITE LAYOUT, REMOVAL OF ADDITIONAL WOODLAND AND AMENDED OPENING HOURS**

Land Adjacent A511, Stephenson Way Coalville LE67 3GB

**Officer's Recommendation: PERMIT subject to S106 Agreement**

Having declared a pecuniary interest in the item, Councillor S Gillard left the meeting and took no part in the debate and voting thereon.

The Principal Planning Officer presented the report to members.

In determining the application, some members expressed concerns over the loss of the wheelchair access from the nearest bus stop, therefore the application was not DDE compliant, that it was a retrospective planning application, and the removal of additional woodland.

Chairman's initials

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor R Boam and seconded by Councillor J Bridges.

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.

Councillor S Gillard returned to the meeting.

| <b>Motion to permit the application in accordance with the officers recommendation (Motion)</b> |                       |
|---|-----------------------|
| Councillor Nigel Smith  | For                   |
| Councillor Russell Boam   | For                   |
| Councillor Dave Bigby   | Against               |
| Councillor Alexander Bridgen  | For                   |
| Councillor David Everitt  | Against               |
| Councillor Stuart Gillard   | Conflict Of Interests |
| Councillor John Legrys  | Against               |
| Councillor Ray Morris   | For                   |
| Councillor Jenny Simmons  | For                   |
| Councillor Michael Wyatt  | Against               |
| Councillor John Bridges   | For                   |
| <b>Carried</b>  |                       |

**36. 5. PROPOSED ALTERATIONS TO USE OF DELEGATED POWERS IN RESPECT OF RESERVED MATTERS APPLICATIONS AT SOUTH EAST COALVILLE**

Report of the Head of Planning and Infrastructure

**Officer's Recommendation:**

The Principal Planning Officer presented the report to members.

Members held a full debate on the matter. Some members expressed concerns over which reserved matters applications would be considered by the committee in the future and sought reassurances that all call-ins would be considered.

It was moved by Councillor J Bridges and seconded by Councillor S Gillard.

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

The motion was declared CARRIED.

RESOLVED THAT:

The originally approved resolution of Planning Committee on 2 December 2014 only in respect of the referral of all reserved matters applications to the Planning Committee be revoked.

| <b>Motion to support the recommendations, as detailed in the report (Motion)</b> |     |
|--|-----|
| Councillor Nigel Smith   | For |
| Councillor Russell Boam  | For |

Chairman's initials

|                              |         |
|------------------------------|---------|
| Councillor Dave Bigby        | Against |
| Councillor Alexander Bridgen | Abstain |
| Councillor David Everitt     | Against |
| Councillor Stuart Gillard    | For     |
| Councillor John Legrys       | Against |
| Councillor Ray Morris        | For     |
| Councillor Jenny Simmons     | For     |
| Councillor Michael Wyatt     | Against |
| Councillor John Bridges      | For     |
| <b>Carried</b>               |         |

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.40 pm