



Scan the code above or visit www.nwleics.gov.uk/meetings
for a full copy of the agenda.

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 2 November 2021
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454529)

AGENDA		Pages
Item		
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 5 October 2021	3 - 10
4.	PLANNING ENFORCEMENT UPDATE Q2 2021/22	
	Report of the Head of Planning and Infrastructure	11 - 16
5.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	17 - 20

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	21/00471/REMM: Erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref.17/01081/OUTM) Land Off Lountside, Ashby De La Zouch	PERMIT	21 - 32

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:

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

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

Motion to permit the application in accordance with the officer recommendation (Motion)	
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
Carried	

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.

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.

Motion to refuse the application on the grounds that it contravened policy D2 (Motion)	
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	For
Councillor John Bridges	Conflict Of Interests
Carried	

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.

Motion to permit the application in accordance with the officer recommendation (Motion)	
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
Carried	

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.

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.

Motion to permit the application in accordance with the officers recommendation (Motion)	
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
Carried	

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.

Motion to support the recommendations, as detailed in the report (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For

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
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.40 pm

This page is intentionally left blank

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE – 2 NOVEMBER 2021



Title of Report	PLANNING ENFORCEMENT UPDATE Q2 2021/22	
Presented by	Chris Elston Head of Planning and Infrastructure	
Background Papers	None	Public Report: No
Financial Implications	None	
Legal Implications	None	
Staffing and Corporate Implications	None	
Purpose of Report	To provide an update to Members on the work of the planning enforcement team. To provide an overview of the compliance and monitoring cases within the planning enforcement service.	
Recommendations	PLANNING COMMITTEE NOTE THE INFORMATION CONTAINED WITHIN THE REPORT.	

1.1 This report is to update planning committee members on the quarter 2 figures for 2021/22. However, I have also included the tables from 2020/21 for comparison.

1.2 Below is Table 1 showing the **results of the harm scoring**.

	2020/21			
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	4	70	28	36
High priority cases (Score over 5)	16	39	49	23
Standard priority cases (Score under 5)	30	13	16	6
No update		2	3	28
Pending Consideration		17	17	20

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Urgent cases/Not required	37	12	N/A	N/A
High priority cases (Score over 5)	36	34	N/A	N/A
Standard priority cases (Score under 5)	28	10	N/A	N/A
No update	3	11	N/A	N/A
Pending Consideration	13	18	N/A	N/A

2.0 PLANNING ENFORCEMENT STATISTICS

2.1 Table 2, below is a summary of enforcement statistics.

It should be noted that some cases > 6 months and > 1 year are held in abeyance due to the necessity for scheduled monitoring; the submission of retrospective planning applications, appeals or are in the initial stages of formal action being taken by the service of an enforcement notice.

2020/21					
Months/Year	No. of new cases opened	No. of cases closed	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	111	102	56	91	235
Quarter 2	141	77	78	75	234
Quarter 3	113	83	88	44	242
Quarter 4	113	137	95	35	232

2021/22				
Months/Year	No. of new cases opened	No. of cases older than 1 year	No. of cases older than 6 months	No. of live cases at time of report
Quarter 1	117	105	67	289
Quarter 2	85	100	54	239
Quarter 3	N/A	N/A	N/A	N/A
Quarter 4	N/A	N/A	N/A	N/A

2.2 Table 3 shows the types of cases that are over 6 months and 1 year.

2020/21							
	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation	Development Monitoring
Cases over 6 mth	0	11	0	4	0	15	5
Cases over 1 year	0	11	0	8	0	72	3

2021/22							
	Planning Discharge of Condition	Retrospective application	Appeals	Complex cases	Prosecutions	Protracted negotiation	Development Monitoring
Cases over 6 mth	0	11	0	0	0	43	0
Cases over 1 year	6	17	0	9	0	63	5

2.3 The types of breaches investigated during Quarters 1, 2, 3 and 4 is summarised in Table 4 below.

2020/21				
Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	6	13	15	12
Unauthorised works in conservation area	3	4	3	5
High hedges	0	0	0	0
Unauthorised works on a listed building	0	2	5	2
Not in accordance with approved plans	20	25	17	21
Unauthorised works on a protected tree	4	2	1	1
Unauthorised development – Domestic	30	41	38	25
Unauthorised development – Non domestic	13	11	7	12
Untidy land	9	0	1	1
Unauthorised advertisement	0	0	1	10
Material change of use	13	27	21	14
Advice	2	1	2	8
Breach of Section 106	0	1	0	0

2021/22				
Breach type	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Breach of planning condition	17	6	N/A	N/A

Unauthorised works in conservation area	10	2	N/A	N/A
High hedges	2	2	N/A	N/A
Unauthorised works on a listed building	4	2	N/A	N/A
Not in accordance with approved plans	15	8	N/A	N/A
Unauthorised works on a protected tree	2	3	N/A	N/A
Unauthorised development – Domestic	37	27	N/A	N/A
Unauthorised development – Non domestic	7	10	N/A	N/A
Untidy land	0	0	N/A	N/A
Unauthorised advertisement	1	0	N/A	N/A
Material change of use	16	17	N/A	N/A
Advice	3	6	N/A	N/A
Breach of Section 106	0	1	N/A	N/A

2.4 During the period July 2021 to September 2021, there have been the following notices served:

1 Planning Enforcement Notice and 1 Planning Contravention Notice

2.5 Prosecutions

During the period July 2021 to September 2021, there have been no prosecutions taken.

2.6 Prosecution outcome

Not applicable

2.7 Appeals

During the period July 2021 to September 2021, there have been no enforcement appeals lodged.

An attempt to Judicially Review the Planning Inspectors decision in respect enforcement notice appeal decision for The Stables, Charnells Court, Main Street, Swepstone has been dismissed.

2.8 Appeal decisions

Not applicable

3.0 DEVELOPMENT MONITORING

3.1 Table 5 shows the number of development monitoring cases open for each quarter.

It should be noted that development monitoring cases are opened when the development starts until it is completed and therefore the figures also show the number of sites being monitored each quarter.

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	11	14	1	2

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Development Monitoring	3	1	N/A	N/A

4.0 PERFORMANCE STATISTICS

4.1 Table 6 shows the number of member enquiries received in each quarter.

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	15	9	17	24

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Member Enquiries	23	11	N/A	N/A

4.2 The number of compliments and complaints is shown in Table 7.

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	2	1	1
Compliments	0	0	0	0

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Complaints	0	2	N/A	N/A
Compliments	0	0	N/A	N/A

4.3 Table 8 shows the response rate as per the timeframes set in the planning enforcement policy.

2020/21				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	72	92	111 (2 anon)	103 (2 anon)
Full assessment of operational development site visit completed within 5 working days	11	54	61	39
Full assessment of alleged material change of use within 5 working days of final site visit	6	8	31	2

2021/22				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Acknowledged in writing within 3 working days	111 - 4 anon	77 – 1 anon	N/A	N/A
Initial site visit carried out within 21 working days of receipt of the initial complaint	105	55 16 Pending	N/A	N/A

5.0 KEY CASES

5.1

- Aylesbury Gardens – Enforcement Notice was issued and legal have advised to await the appeal
- The Stables, Charnells Court, Main Street, Swepstone – appellant requested a Judicial Review on the inspectors decision. Leave to apply for JR has been dismissed by the Courts and the Planning Inspectors decision has therefore been upheld. The period for compliance with the requirements of the Notice has commenced and site will be monitored when this has expired.
- Whitney Park – gypsy/traveller site, we are awaiting feedback from the Lead Local Flood Authority before considering our next steps. PCN to be issued for occupier details.
- Occupation Lane, Albert Village – this is for the provision of a double mini roundabout that hasn't been implemented, and is with LCC legal and is progressing towards agreements being put in place for works to be completed
- March House, Long Street, Belton – appeal of planning decision, awaiting outcome
- Ashby Woulds Residential Park, Overseal – pending application decision
- AJS Welding, Rempstone Road, Coleorton – planning application submitted
- Whitegate Stables, Packington – interim injunction and enforcement notice served. Ongoing monitoring being undertaken pending outcome of planning applications.

APPENDIX B

Report of the Head of Planning and Infrastructure to Planning Committee

2 November 2021

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6. Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7. Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8. Delegation of wording of Conditions

A list of the proposed planning conditions are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

**Erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref. 17/01081/OUTM)
Land Off Lountside Ashby De La Zouch Leicestershire**

**Report Item No
A1**

**Application Reference
21/00471/REMM**

**Grid Reference (E) 437388
Grid Reference (N) 317263**

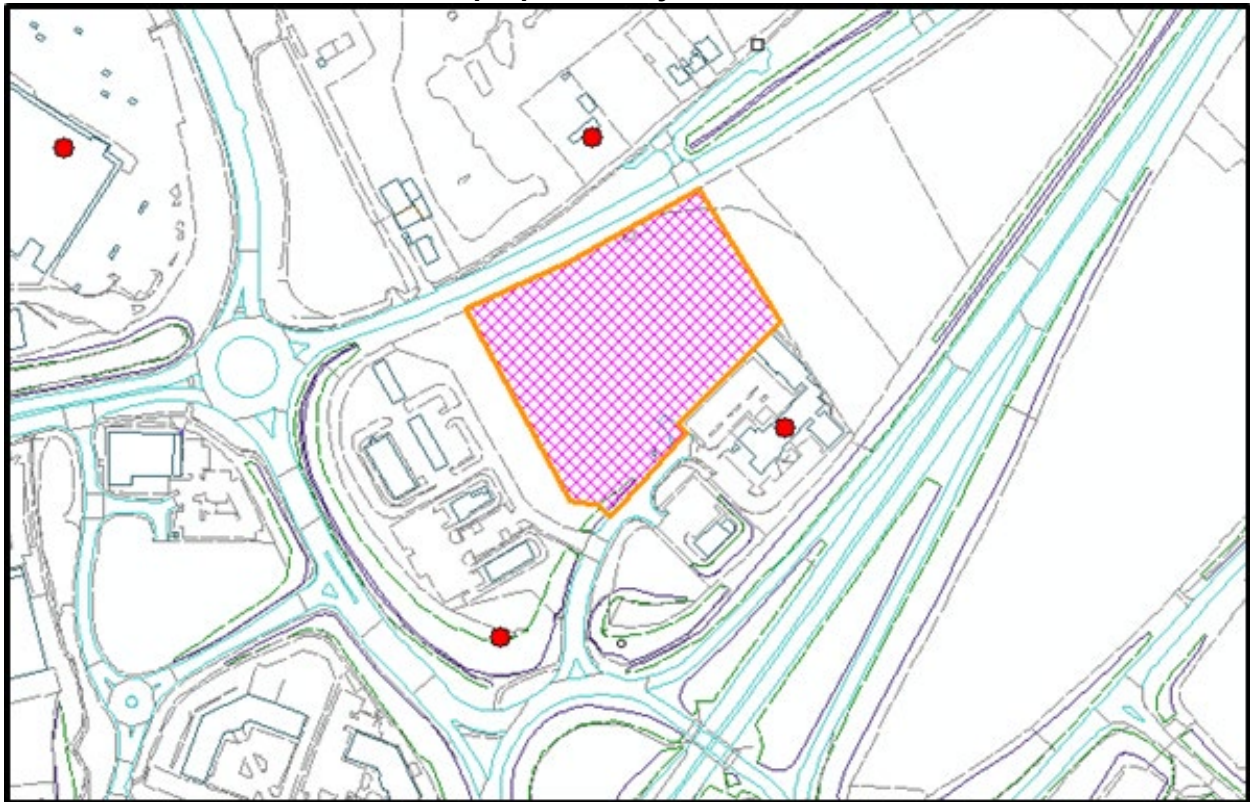
**Applicant:
Natalie Ternent**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

**Date Registered:
30 June 2021
Consultation Expiry:
29 October 2021
8 Week Date:
29 September 2021
Extension of Time:
29 October 2021**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination at the request of Councillor Harrison.

Proposal

This is a reserved matters application for the erection of a unit for use as a road related storage, maintenance and management facility.

Consultations

Objections are raised by a number of residents, by the Ashby de la Zouch Civic Society, on behalf of the operator of a nearby hotel, and by Ashby de la Zouch Town Council as set out in the report below.

Planning Policy

The application site lies outside of Limits to Development as defined in the adopted Local and Neighbourhood Plans.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the erection of a unit on a site of 2.4ha for use as a road related storage, maintenance and management facility. The application seeks reserved matters approval for the matters of access, appearance, landscaping, layout and scale.

The unit is intended to be occupied in the first instance by the operators of the adjacent road-related services in connection with the operation / administration of these services, as well as other service stations operated by the applicant elsewhere in the country.

Following the completion of a Section 106 obligation (in respect of a number of matters including employee travel packs and bus passes, bus stop improvements, implementation of waiting restrictions, construction traffic routeing, River Mease contributions and National Forest planting), outline planning permission was granted in August 2019 (ref. 17/01081/OUTM).

This reserved matters application seeks approval for a unit of approximate dimensions 60.0m x 60.0m by maximum height 10.3m above finished floor level (FFL).

The proposed unit would include ancillary office space, and two service yards, one located to the north western side of the unit, and a second one located to the north eastern part of the site. This north eastern service yard would incorporate vehicle and plant parking areas; as originally submitted, this part of the site was also proposed to be used for external storage of aggregates (advised by the applicant as proposed to be used for the storage of materials such as grit and other aggregates (e.g. sand) for use in external repairs / works at the applicant's network of service stations). However, in response to neighbour concerns, the applicant has removed this element of the proposals.

Two vehicular accesses are proposed, both served from Lountside. The principal car parking area to the front of the unit would be accessed from the existing estate road which serves the adjacent filling station and shop, coffee outlet and fast food restaurant. The second access would be created at the existing turning head at the north eastern end of Lountside, and would serve the proposed service yards.

2. Publicity

17 Neighbours have been notified.
Site Notice displayed 9 July 2021.
Press Notice published Leicester Mercury 14 July 2021.

3. Summary of Consultations and Representations Received

Ashby de la Zouch Town Council objects on the following grounds:

- Pollution / exposure to hazardous materials, including from aggregate storage / dust and lorry fumes
- Noise
- Increased traffic / risk of accidents
- Contrary to Local Plan policies as the proposals are not a road related services facility,

contrary to Policy T4b (a reference to the former policy for the site within the previous North West Leicestershire Local Plan), and as the site is allocated as countryside, not employment land

Environment Agency comments on the need to provide appropriate surface water drainage and the use of measures within the drainage systems to prevent pollution to controlled waters

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Local Highway Authority has no objections subject to conditions

National Forest Company final comments awaited and will be reported on the update sheet

North West Leicestershire District Council Environmental Protection has no objections subject to conditions

Third Party representations

Representations from residents of 6 nearby properties, from the Ashby de la Zouch Civic Society, and on behalf of the operators of an adjacent hotel have been received, objecting on the following grounds:

- No need for further employment development when empty units exist elsewhere
- Inappropriate development in the countryside
- Visual impact from Nottingham Road and nearby hotel
- Noise
- Impact on wildlife
- Scheme incompatible with approved ecological mitigation
- Loss of trees and hedgerows
- Congestion on Lountside
- Adverse impact on pedestrian safety
- Dust / adverse impact on air quality
- Odour
- Light pollution
- An Environmental Impact Assessment is required
- Pollution of River Mease from aggregates
- Insufficient capacity for additional sewage
- Insufficient sustainable transport serving the site
- An additional access to Nottingham Road is proposed
- Proposed development introduces a different use from that approved at outline stage
- Insufficient supporting information
- Proposals not in compliance with the outline planning permission
- If minded to permit, conditions should be attached in respect of lighting, noise and air quality

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework 2021

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 55 and 56 (Decision-making)

Paragraphs 109, 110, 111 and 112 (Promoting sustainable transport)

Paragraphs 126, 130 and 134 (Achieving well-designed places)

Paragraphs 153, 154 and 157 (Meeting the challenge of climate change, flooding and coastal change)

Further advice is provided within the DLUHC's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2021)

The application site lies outside of Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to this reserved matters application:

Policy S3 - Countryside

Policy D1 - Design of new development

Policy D2 - Amenity

Policy IF4 - Transport Infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En3 - The National Forest

Policy En6 - Land and Air Quality

Adopted Ashby de la Zouch Neighbourhood Plan (2018)

The application site lies outside of Limits to Development as defined in the adopted Neighbourhood Plan. The following adopted Neighbourhood Plan policies are considered relevant to this reserved matters application:

Policy S1 - Presumption in favour of Sustainable Development

Policy S3 - Development Proposals Outside of the Limits to Development

Policy S4 - Design

Policy NE5 - Trees and Hedgerows

Other Policies / Guidance

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide (Leicestershire County Council)

5. Assessment

The principle of development on this site for the proposed use was established by the grant of the original outline planning permission and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the impacts on the wider highway network) are not relevant to this application. As set out in the summary of representations above, concern is raised that the proposals fall outside the scope of the outline planning permission in terms of their size and impacts; it is not considered however that the scheme would conflict materially with the permission granted at outline stage. Whilst concern is raised regarding the associated external uses, the proposed external areas fall within the original application site and officers are satisfied that there is no reason to suggest that these would not be consistent with the principal use of the proposed development (and, it is noted, use of associated external parking and storage areas would normally be expected in association with uses of this or similar natures). For their part, the applicants confirm that any vehicles or plant parked or stored in the external areas would be solely for use by the applicants (or subcontractors working on their behalf) for the purposes of the operation / maintenance and administration of the business.

Insofar as the proposed reserved matters applied for are concerned, the following conclusions are reached:

Access

As set out above, the development is proposed to be accessed via two vehicular accesses from Lountside; one served from the existing estate road used to access the adjacent roadside services, and the other formed at the existing turning head at the end of Lountside. Whilst objection has been raised on the grounds of access being provided to Nottingham Road, this is not proposed.

In terms of the proposed north eastern access, the County Highway Authority had originally raised concerns regarding suitability for two-way movements but, following minor amendments to this junction and the submission of additional details in respect of swept paths and anticipated numbers of HGV movements through this junction, no objections are raised. In coming to this view, the County Highway Authority has also had regard to the private status of Lountside and the clear visibility for vehicles entering Lountside from the hotel access opposite.

Insofar as vehicle parking is concerned, following the submission of additional documentation in respect of parking standards, the County Highway Authority is content that, whilst the level of car parking proposed would slightly exceed the relevant standard, it would be acceptable.

Issues in respect of the scheme's impacts on the wider highway network, the suitability of the site in terms of sustainable location and its accessibility to public transport have in effect been dealt with at the outline stage. The scheme is therefore considered acceptable in terms of access and associated matters, and would comply with the relevant policies (including Local Plan Policies IF4 and IF7) referred to above.

Appearance, Layout and Scale

Whilst the site is located outside Limits to Development, as set out above, the principle of the development has already been established under the outline planning permission. However, Policies S3 of both the adopted Local and Neighbourhood Plans include criteria relating to the detailed design associated with development within the countryside. In terms of matters relevant at the reserved matters stage, Local Plan Policy S3 provides that developments will be supported where the appearance and character of the landscape is safeguarded and enhanced, and where built development is well integrated with existing development and existing buildings; Neighbourhood Plan Policy S3 requires development to respect the form, scale, character and amenity of the landscape and the surrounding area through careful siting, design and use of materials. Similarly, the scheme will also need to be considered against the design policies referred to above.

The scale of the proposed unit is as set out in the introduction above. Insofar as the height of the unit is concerned, it is noted that the supporting information submitted with the outline application indicated that the unit would be between one and two storeys in height, and between 5.0m and 8.5m. As set out above, the maximum height of the unit would be 10.3m above FFL. Whilst this would, on the face of it, be higher than that indicated at outline stage, the applicant takes the view that the indication of scale in the outline application's supporting information was intended to relate to the eaves rather than the ridge (and notes that the proposed building's eaves would be of a height of 8.5m). Whilst it is not accepted that this would necessarily be a logical interpretation of the application of the indicative maximum height, it is nevertheless acknowledged that, in any event, scale was a matter reserved for later approval and, as such, the effects of the scale proposed at this reserved matters stage should be assessed as part of this application.

By way of comparison with surrounding development, the closest section of the existing hotel is approximately 9.6m to ridge (above FFL), and the existing filling station canopies (for cars and HGV sections respectively) are 6.5m and 7.5m above ground level. Whilst details of proposed floor and external ground levels are not yet available (and would be able to be addressed by way of an appropriate condition), existing site levels for that part of the site where the unit would be erected are (generally) at a similar level (and, in places, approximately 1m above) those of the filling station, and approximately 3 to 4m below those of the hotel's FFL.

The site is currently well screened from Nottingham Road by established tree planting. Whilst the proposed unit would be taller than the adjacent filling station canopies (which are considered to be well screened by the existing vegetation), it is noted that the unit would be sited approximately 55m from the site boundary (compared to only around 6m in the case of the closest canopy) and, as such, the visibility of the unit beyond the trees would be likely to be limited to some extent from street level on Nottingham Road.

In terms of the size of the unit generally, it is noted that this complies with the maximum floorspace specified in the outline planning permission.

Insofar as the unit's appearance is concerned, officers have sought to engage with the applicants so as to secure improvements to the proposed elevations. In particular, officers raised concerns that the proposed unit as originally submitted was of a "standardised" employment unit design, and did not positively address the principal public realm-facing elevations (i.e. the southern and western elevations); officers therefore suggested that the applicants consider an approach along the lines taken in the development of the adjacent commercial units to the west which have been constructed using a more contemporary

approach, and making use of stone features as a means of introducing a distinct character. Officers also suggested setting the unit in from its western boundary so as to allow for additional landscaping adjacent to the service road serving the adjacent petrol station. For its part, the National Forest Company has suggested that the development take a more National Forest-inspired approach.

In response, the scheme has been amended including the relocation of the office elements of the unit to its south western corner, and by the introduction of enhanced architectural detailing wrapping around this south western corner (including blue brick detailing and brise soleil to the upper floor windows). Whilst this would not provide a more contemporary (or National Forest) approach to the unit as a whole (nor deliver a stronger landscape frontage to the service road), it is accepted that it would represent a significant enhancement over and above the originally submitted scheme, and would address the most prominent southern and western elevations more successfully. On the basis of these enhancements, it is accepted that a good standard of design would be achieved, in accordance with the relevant Local Plan, Neighbourhood Plan and SPD policies.

Whilst the unit incorporates car parking to its principal public realm-facing frontage, it is acknowledged that it would be set behind a substantial landscaped area, and the visual impact of the extent of hardstanding proposed would be expected to be mitigated to a reasonable degree. It is also noted that the plans indicate the construction of a substation within the landscaped area adjacent to Lountside. Whilst full details of this structure have not been provided at this point, it is considered that its impact would be likely to be reasonably well mitigated subject to provision of additional landscaping, and could be addressed by way of condition.

Landscaping

As set out above, the site is currently well screened from Nottingham Road by established tree planting (some of which was originally established as part of the landscape mitigation for the development of the commercial development to the south east of the site); a number of other smaller trees are currently located within the site. The application is accompanied by an Arboricultural Impact Assessment and Method Statement (AIA). The AIA identifies five principal groups of trees within the site plus four individual trees located off-site (within the grounds of the adjacent hotel). Three of the groups of trees and part of the two other groups of trees would need to be removed in order to accommodate the development. The three groups proposed to be removed are located adjacent to the Lountside side of the site; two of these groups are identified as being within Retention Category C (low quality) and one within Category U (unsuitable for retention regardless of the development).

Insofar as the existing trees adjacent to Nottingham Road are concerned, parts of these groups are proposed to be removed, but with retention of some of the groups along the majority of the frontage; new landscaping would be provided to those areas adjacent to Nottingham Road (including new tree, hedgerow, shrub and wildflower meadow planting). The affected existing groups in this part of the site would also be within Retention Category C, identified in the AIA as collectively of low quality and value beyond partial screening from Nottingham Road. Whilst the "depth" of the planting buffer to Nottingham Road would be reduced to some extent, it is considered that the area of vegetation retained would be likely to continue to provide an effective means of limiting the visual impacts of the development when viewed from Nottingham Road.

In addition to the landscaping referred to above, landscaped buffers would also be provided to

the north eastern and south eastern site boundaries. The submitted AIA confirms that the site's proposed landscaping would include provision of 73 no. heavy standard sized trees.

In terms of the impacts on existing trees, the AIA has been assessed by the District Council's Tree Consultant who considers that its findings represent a reasonable assessment of the site's existing tree cover. He considers that the proposed on-site replacement tree planting would be sufficient mitigation for the lost tree cover within the immediate context of the site, and raises no objections. The National Forest Company had initially raised concerns over potential tree loss in association with the development but, at the time of preparing this report, the final comments of the National Forest Company (and including in respect of the AIA) were awaited; any further comments will be reported on the Update Sheet.

In terms of National Forest planting, it is noted that the Section 106 obligations entered into at the outline stage secure National Forest planting and / or financial contributions (with the amount payable dependent on the final extent of on-site Forest planting). Under the relevant National Forest planting standards, a minimum area of 0.48ha of National Forest planting is required to be provided within the site (or, in the event that it is not, an off-site financial contribution of £20,000 per hectare of the shortfall is payable).

Overall, in terms of both the countryside and design policies referred to above, the scheme is considered to be appropriate in terms of these issues, and complying with the relevant policies in this regard.

Other Issues

It is noted that objections have been raised in respect of a number of other matters not directly relevant to the determination of this reserved matters application. These include concerns relating to the need or otherwise for the development, the principle of development outside Limits to Development, and the drainage implications of the scheme (and including impacts on the River Mease SSSI and SAC). Insofar as drainage issues are concerned, it is noted that the Section 106 agreement entered into at the outline stage to secure appropriate contributions under the River Mease Developer Contribution Scheme, and that the capacity at the receiving treatment works has already been allowed for on the basis of the outline planning permission proposals. In terms of surface water drainage, this is controlled under conditions attached to the outline planning permission; a separate discharge of condition application has been submitted in respect of these conditions and will be determined in due course (ref. 21/01413/DIS). On this basis (and subject to the submission of appropriate details under the discharge of condition application), it remains the case that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Similarly, a scheme of ecological mitigation is required to be implemented in accordance with the outline planning permission (and in respect of which details have already been approved under a separate discharge of condition application (ref. 21/00854/DIS)). Concerns have been raised that the mitigation measures approved under that discharge of condition application could not be delivered in association with the current reserved matters scheme. This matter is being considered by the County Ecologist, and the applicant's ecologist has also been asked to comment. In the event that the applicant was indeed unable to implement both the reserved matters scheme and the approved ecological mitigation, it would be necessary to seek approval for an updated scheme of ecological mitigation under the outline planning permission (or a revised reserved matters scheme), but any further comments received in respect of this matter

will be reported on the Update Sheet. Whilst comments have been made to the effect that the scheme should be subject to Environmental Impact Assessment (EIA), it is considered that, having regard to the characteristics of the site and its surroundings and to the scale of the scheme, it would not constitute EIA development under the regulations. Indicative criteria for industrial estate development projects (which, in effect, this use would be akin to) as set out in the DLUHC's Planning Practice Guidance suggest that EIA is unlikely to be required for development of below 20ha. It is not considered that there are any other specific factors applicable here that would indicate any other position ought to be reached in this regard.

It is noted that objections have been raised in respect of the scheme's impact in respect of issues such as noise and air pollution. However, these are not considered to be matters directly relevant to the determination of this reserved matters application. It is nevertheless noted that the supporting information submitted at outline stage indicated that the impacts on residential amenity would be likely to be limited given the existing noise climate of the site. In terms of air quality, the principal cause of concern appears to have been the impacts of the previously proposed aggregate storage but, as set out above, these elements are no longer proposed. The District Council's Environmental Protection team had, on the basis of the aggregate storage areas, requested that conditions be attached so as to ensure that dust was monitored / controlled (e.g. damping down of material) but, in view of the above, it is not considered that such a condition would now be necessary. Concerns have also been raised regarding the impacts of external lighting; it is considered that the amenity effects of any lighting could be adequately protected by way of an appropriately-worded condition requiring details of any such lighting to be agreed by the Local Planning Authority prior to installation.

Insofar as environmental performance of the proposed unit is concerned, the applicants confirm that the building will provide an EPC (Energy performance Certificate) rating of B. In terms of additional renewable energy production, however, the applicants advise that, as the warehouse is not heated and the offices would be of a modest scale, the unit is likely to use only limited amounts of power and, as a result, PV cells would not be considered appropriate. They advise, in particular, that the costs of equipment and the increase in the size of the steel frame required to support the extra weight of PVs would outweigh the carbon savings, and resulting in a payback period of over 20 years. Having regard to the environmental credentials of the scheme overall, it is considered that it would perform well in respect of the NPPF's intentions in this regard.

It is therefore considered that the proposed scheme would be acceptable, and approval is recommended.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping
- 4 Tree / hedgerow protection
- 5 Materials
- 6 Hard surfacing
- 7 Levels
- 8 Boundary treatment
- 9 Retaining walls / structures
- 10 Site accesses
- 11 Parking and manoeuvring areas
- 12 Cycle parking
- 13 Externally sited plant, equipment, storage areas and structures (including substations)
- 14 External lighting
- 15 Environmental performance
- 16 Details of vehicular crossing to drainage ditch

This page is intentionally left blank