

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 February 2022

Present: Councillor N Smith (Chairman)

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

In Attendance: Councillors A S Black, J Geary and R Johnson

Officers: Mr C Colvin, Mr C Elston, Ms S Grant, Ms R Haynes, Mr J Knightley, Mr D Jones, Vickery, Mrs R Wallace and Ms D Woods

49. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Bridgen and M B Wyatt. Councillor M B Wyatt was not in attendance due to a pecuniary interest in item A1 in which he had strong objections.

50. DECLARATION OF INTERESTS

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

Councillors R Ashman, J Hoult and R Morris declared that as the disposal and proposals to develop the Waterworks Road/Cropston Drive site had been taken through a number of the council's decision-making meetings their participation in those earlier meetings had not predetermined their view. They would consider the application with an open mind having regard to all the advice and material presented.

Councillor D Bigby and J Legrys declared a non-pecuniary interest in item A1, application number 20/00831/OUTM, as members of the Leicestershire and Rutland Wildlife Trust who were consultees on the application.

Councillor R Morris declared a pecuniary interest in item A3, application number 21/00399/FUL, as the ward member, therefore he would leave the meeting for the consideration of the item.

During discussion on the item, Councillor J Legrys declared a non-pecuniary interest in item A2, application number 18/00707/REMM, as a regular user of the footpath on the site.

During discussion on the item, Councillor R Boam declared a pecuniary interest in item A3, application number 21/00399/FUL, as he was the acting ward member when the application was called-in due to a vacant seat on the council, therefore he would leave the meeting for the consideration of the item.

During discussion on the item, Councillor R Ashman declared a non-pecuniary interest in agenda item 4 - 'To consider the making of a Tree Preservation Order (TPO) on land at the junction of Hepworth Road and Bridle Way Blackfordby', as the site was within his division as a Leicestershire County Councillor.

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 20/00831/OUTM

Councillors R Ashman, R Boam, D Bigby, D Everitt, S Gillard, J Hoult, J Legrys, R Morris

Chairman's initials

and J Simmons.

Item A2, application number 18/00707/REMM

Councillor J Legrys.

Item A3, application number 21/00399/FUL

Councillors R Ashman, R Boam, D Bigby, J Legrys and R Morris.

51. MINUTES

Consideration was given to the minutes of the meeting held on 12 January 2022.

It was moved by Councillor J Legrys, seconded by Councillor J Hoult and

RESOLVED THAT:

The minutes of the meeting held on 12 January 2022 be approved and signed by the Chairman as a correct record.

52. PLANNING ENFORCEMENT UPDATE Q3 2021/22

The Senior Planning Enforcement Officer presented the report to members.

Some members had concerns in the current staffing levels of the service and the ability to clear the heavy backlog of cases. The current lack of enforcement in relation to taking cases forward to court for prosecution was also raised and noted. Reference was made to a constituent's experience of the service, which was perceived as poor, and it was agreed to provide more details to the officers outside of the meeting so that it could be followed up.

The Planning Development Team Manager provided a staffing update on the newly established Planning Enforcement Team that was undergoing further training and still not fully staffed. The difficulty to appoint to roles within the service area nationally was acknowledged.

It was moved by Councillor R Ashman, seconded by Councillor J Hoult and

RESOLVED THAT:

The report be noted.

53. TO CONSIDER THE MAKING OF A TREE PRESERVATION ORDER (TPO) ON LAND AT THE JUNCTION OF HEPWORTH ROAD AND BRIDLE WAY BLACKFORDBY

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

Several members spoke in support of the recommendation, but reference was made to the current issues with planning enforcement and therefore a concern was raised on how well the Tree Preservation Order could be enforced if it was agreed.

It was moved by Councillor J Legry, seconded by Councillor D Bigby and

RESOLVED THAT:

Chairman's initials

The Tree Preservation Order be confirmed.

54. 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.

55. 20/00831/OUTM: RESIDENTIAL DEVELOPMENT FOR UP TO 101 NEW DWELLINGS (OUTLINE - ALL MATTERS OTHER THAN PART ACCESS RESERVED)

The Principal Planning officer presented the report to members.

Mr I Allan, objector, addressed the committee highlighting the impact on the area from the construction traffic, the additional pollution from traffic congestion as a result of the development and the loss of green space for residents. He stressed the importance of protecting the site due to the impact on ecology and the wildlife that inhabits it. Reference was made to the decision previously taken by full council on the site and concerns were raised on the suggested predetermination of the Committee. Members were urged to refuse the application to preserve the natural area.

Mr M Vickory, on behalf of applicant, addressed the committee highlighting the aims to achieve an exemplar scheme on the site with a net zero carbon development. He also referenced the intention to achieve full compliance with the Building for a Healthy Life design tool which would be detailed during the reserved matter stage. It was noted that minor works would be required on bungalows adjacent to the site, residents of which would be fully informed, and their parking and access would be maintained. The committee were urged to permit the application in accordance with the officer's recommendation.

Councillor A Black, ward member, addressed the committee highlighting her concerns in relation to the unsafe access to the site, loss of recreational space and the adverse effect on people's wellbeing, increased volume in traffic, and impact on surrounding road junctions. The impact on surrounding properties was also referred to, in particular, the loss of natural light, increased artificial light at night and noise levels. Members were urged to refuse the application.

In determining the application, members acknowledged that the majority of the site had been purchased for development and had been included in the Local Plan with no objections following public consultation. Regard was given to the mitigation plans to compensate for the loss biodiversity on the site and some concerns were shared on the achievability. Concern for the loss of green space in the area was noted, along with the need for affordable housing and bungalows.

It was suggested by a member, that if the committee were minded to permit the application, then a note be added to ensure that the reserved matter application was brought back to committee for a decision. All members agreed.

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

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 permitted in accordance with the recommendation of the Head of Planning and Infrastructure.

A comfort break having been requested, the meeting was adjourned at 7.22pm and reconvened at 7.31pm.

Motion to permit application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Robert Ashman	For
Councillor Dave Bigby	Against
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Jim Hault	For
Councillor John Legrys	Against
Councillor Ray Morris	For
Councillor Jenny Simmons	For
Carried	

56. 18/00707/REMM: ERECTION OF 400 DWELLINGS (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION 16/01200/VCUM)

The Principal Planning Officer presented the report to members.

Parish Councillor R Johnson, on behalf of Hugglescote and Donington le Heath Parish Council, addressed the committee highlighting the impact on the already heavily congested roads and the lack of mitigation to reduce pollution levels that would have a major effect on resident's health. Reference was made to the dangerous access and egress to the site at which fatalities had occurred in the past. He also noted the lack of a construction management plan in place to control the construction traffic travelling through the village.

Mr D Wharrad, objector, addressed the committee highlighting his concerns in relation to the traffic impact on the already congested Highfield Street, the dangerous junction due to reduced visibility because of on-street parking, and the proposed access to the site. Reference was made to the current Tree Preservation Order and the fence that had been erected to protect the trees, he felt that it was not enough to deter access to the wooded area which could be used to access neighbouring gardens. There were also concerns that the proposed buffer zone would result in the loss of trees.

Mr M Rathod, agent, addressed the committee highlighting the close working relationship with East Midlands Housing to provide a high-quality scheme, which included mixed housing types and affordable housing. Reference was made to the recent changes to the application due to the incorporation of comments made by design officers and Leicestershire County Council. The residents' concerns regarding the access point were acknowledged and it was noted that in response, plans had been changed to provide off-street parking for more properties on Highfield Street. The committee was urged to permit the application in accordance with the officer's recommendations.

Councillor J Geary, ward member, addressed the committee highlighting the proposed service road at the back of Highfield Street, he felt it would not solve the on-street parking issues. It was also noted that the proposals did not provide off-street parking for every household on the street and this was imperative. He requested that any tree works undertaken be carried out by qualified tree surgeons and that any proposed boundary treatment discharge of condition submission be seen by himself as ward member before it was signed off. Concerns were raised in relation to the proposed duplex flats as he felt it

Chairman's initials

was straying away from planning policy and therefore setting a precedent. The committee was urged to defer this application to allow for further information to be obtained from the application on the service road and off-street parking.

In determining the application, the highway concerns were noted along with the off-street parking and protection of trees. The lack of plans for the storage of materials during the development of the site was noted. Regard was given to the continuing changes to the application, the latest change being submitted a few days prior to the committee meeting. Some members were minded to defer the application so that further information could be obtained on the off-road parking for residents, the service road and the storage of materials.

Members were advised that the off-street parking and access to the service road was a goodwill gesture from the applicant and therefore a deferral on these grounds was not appropriate. Reference was made to the update sheet, in which it confirmed that the applicant was happy for a condition to be added in relation to the storage of materials during works. Members were reminded that outline planning permission had already been granted and work had already commenced on the site.

The Legal advisor confirmed that there would be a risk of the applicant appealing against a non determination of the application and therefore they could withdraw the proposals to provide off-street parking if the application was deferred.

The recommendation to defer the application to allow further information and assurances to be sought on the plan for the storage of materials, and the protection of the trees on the site was moved by Councillor J Legrys. It was seconded by Councillor D Everitt.

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

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

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.

Motion to defer the application (Motion)	
Councillor Nigel Smith	Against
Councillor Russell Boam	Against
Councillor Robert Ashman	Against
Councillor Dave Bigby	For
Councillor David Everitt	For
Councillor Stuart Gillard	Against
Councillor Jim Houlton	Against
Councillor John Legrys	For
Councillor Ray Morris	Against
Councillor Jenny Simmons	Against
Rejected	
Motion to permit application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For

Chairman's initials

Councillor Russell Boam	For
Councillor Robert Ashman	For
Councillor Dave Bigby	For
Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Jim Hoult	For
Councillor John Legrys	Against
Councillor Ray Morris	For
Councillor Jenny Simmons	For
Carried	

57. 21/00399/FUL: RETROSPECTIVE CHANGE OF USE OF LAND TO INDUSTRIAL (USE CLASS B2), ERECTION OF FENCING, ENGINEERING WORKS AND THE INSTALLATION OF AN EXTRACTION UNIT, TOGETHER WITH THE PROPOSED ERECTION OF BOUNDARY FENCING

Having declared a pecuniary interest in the item, Councillor R Boam left the meeting during discussion thereon.

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

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

Ms K Carpenter, agent, addressed the committee highlighting the industrial use of the site for the last 60 years and the improvements made to the area in recent years following the introduction of new health and safety laws. The undertaking of the work without planning permission was noted as an accidental error due to the lack of planning knowledge of the applicant but members were reassured that they had been working closely with officers to prepare the application following the discovery of the error. Members were urged to permit the application in accordance with the officer's recommendation.

Councillor R Morris, ward member, addressed the committee highlighting the history of the site and the planning permissions already in place. The residents' primary concern of noise was recognised and therefore it was requested that additional recommendations be added to ensure an improved quality of fencing throughout the site, the extraction unit to be enclosed completely by higher acoustic fencing and parking area of the site be conditioned so that it could only be used for parking to ensure no further development.

The Planning and Development Team Manager advised that a condition on the parking area could not be imposed as it was already covered under previous planning permissions on the site.

In determining the application, the committee acknowledged the history of industrial use on the site and the concerns of the residents, particularly in relation to the noise. As offered by the applicant, members agreed with the increase in height of the acoustic fencing to the north of the site, surrounding the extraction unit.

The recommendation to permit the application in accordance with the officer's recommendation, with the inclusion of the additional acoustic fencing, was moved by Councillor J Legrys and seconded by Councillor J Hoult.

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 permitted in accordance with the recommendation of the Head of Planning and Infrastructure and to include the increase in height of acoustic fencing to the north of the site surrounding the extraction unit.

Motion to permit the application in accordance to the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Robert Ashman	For
Councillor Dave Bigby	For
Councillor David Everitt	For
Councillor Stuart Gillard	For
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor Ray Morris	For
Councillor Jenny Simmons	For
Carried	

Councillor R Boam left the meeting at 8.27pm

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 9.00 pm