

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 7 November 2023

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Canny, D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons, M B Wyatt (Substitute for Councillor M Burke) and N Smith

In Attendance: Councillors

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Ms S Booth, Mr T Devonshire, Mrs H Exley and Mr C Unwin-Williams

34. APOLOGIES FOR ABSENCE

Apologies were received from Councillor M Burke.

35. DECLARATION OF INTERESTS

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

Councillor J Legrys declared a registerable interest in item A1 – Application number 22/00819/FULM as he was speaking on the application as Ward Member. During the consideration of this application, Councillor D Cooper would join the committee as a substitute for Councillor J Legrys.

Councillor R Boam declared a registerable interest in item A4 – application number 23/00306/FUL as the Ward Member and item A5 – application number 23/00740/OUT as he was related to the applicant. He would leave the meeting during discussion and voting thereon. During the consideration of these items, Councillor A Woodman would join the Committee as a substitute for Councillor R Boam.

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 22/00819/FULM: Councillor R Canny, Councillor C Sewell, Councillor J Simmons, Councillor and D Everitt. Councillor D Cooper made his declaration once he had joined the committee as a substitute.

Item A5 – application number 23/00740/OUT: Councillor D Bigby, Councillor R Canny, Councillor C Sewell, Councillor J Simmons, Councillor M Wyatt, Councillor R Morris and Councillor P Moulton. Councillor A Woodman made his declaration once he had joined the committee as a substitute.

36. MINUTES

Consideration was given to the minutes of the meeting held on 3 October 2023.

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

RESOLVED THAT:

Chairman's initials

The minutes of the meeting held on 3 October 2023 be approved and signed by the Chairman as a correct record.

37. TO CONSIDER AN OBJECTION MADE BY BTA PARTNERSHIP IN RESPECT OF NWLDC TREE PRESERVATION ORDER T509 - LAND REAR OF 47-49 MARKET STREET, ASHBY DE LA ZOUCH

The Planning and Development Team Manager presented the report.

Several Members praised the qualities of Birch Trees and suggested that the tree in question was not responsible for the problems with the wall; they therefore supported the Officer's recommendation to make the Tree Preservation Order.

It was moved by Councillor R Canny, seconded by Councillor M Wyatt and

RESOLVED THAT:

The Tree Preservation Order be confirmed.

38. 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.

The Chair advised the Committee that item A3 – application number 23/00565/FUL had been withdrawn and therefore would not be considered.

39. CONSTRUCTION OF 28 1-BEDROOM RESIDENTIAL APARTMENTS WITH ASSOCIATED COMMUNAL AREAS, PARKING AND BIN STORAGE. CONSTRUCTION OF LEISURE BUILDING TO INCLUDE A BOWLING ALLEY, RESTAURANT WITH SECOND FLOOR TERRACE AREA, MINI GOLF AND GAMING AREAS. PART-DEMOLITION OF 75-81 BELVOIR ROAD AND CHANGE OF USE FOR RETAIL INCLUDING ASSOCIATED EXTERNAL ALTERATIONS AND PARKING, DEMOLITION OF 83 BELVOIR ROAD, ALTERATIONS TO EMPORIUM NIGHTCLUB INCLUDING PART DEMOLITION TO THE REAR, TOGETHER WITH NEW ACCESS ONTO BELVOIR ROAD AND CREATION OF ASSOCIATED PUBLIC AMENITY AREAS APPLICATION REFERENCE 22/00819/FULM

Land Off Belvoir Road, Coalville, Leicestershire, LE67 3PD

Officer's recommendation: Permit, subject to conditions and S106 agreement

Having declared an interest in the item, Councillor J Legrys removed himself from the Committee to join the public gallery prior to being invited to speak as Ward member. Councillor D Cooper joined the Committee as his substitute.

The Senior Planning Officer presented the report.

Councillor J Legrys, Ward Member, addressed the Committee. He noted that this application crossed two wards, and the Committee should regard his contribution as representing the views of Councillor J Geary as well. They welcomed the substantial investment although they noted that there was some scepticism amongst residents. The two Ward Members hoped landscaping would be well considered, and the two Members would also be clearly communicated with throughout the process. Nevertheless, the

Chairman's initials

concerns they had were considerably outweighed by the need for regeneration in the area.

Several Members of the Committee echoed the Ward Member's thoughts. It was generally held that Officers had produced a comprehensive report, and that the development was one which had manifold strengths and consequently should be approved. They did have concerns around parking provision; the loss of trees; and antisocial behaviour and crime at the development, which a Member suggested could be safeguarded against with the installation of CCTV. Nevertheless, they all felt that the regenerative potential of the development strongly outweighed any minor concerns which they had.

A Member hoped the developers would contribute some money to the local charity as a gesture of good will.

The Senior Planning Officer clarified some of the minor concerns that Members did have. Further parking provisions on the site were not considered possible, and sustainable travel schemes were encouraged. Meanwhile, the lighting condition placed on the development should help with any anti-social behaviour concerns, although a request for CCTV to be provided could not be added as a note to applicant.

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

The Chair 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.

At the conclusion of the item, Councillor J Legrys returned to the Committee. Therefore, as no longer required as a substitute, Councillor D Cooper left the meeting.

Motion to permit application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	For
Councillor David Everitt	For
Councillor John Legrys	No vote recorded
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	No vote recorded
Carried	

40. ERECTION OF TWO DWELLINGS (RESUBMISSION OF 20/00699/FUL) APPLICATION REFERENCE 23/01127/FUL

Land adjacent to 5 Cedar Grove, Moira, Derby

Officer's recommendation: Permit

The Senior Planning Officer presented the report.

Chairman's initials

A Member hoped that if the development was approved then safeguards would be provided so that residents would not be too adversely affected during the development phase.

The Planning and Development Team Manager stressed that as this was a Council Development the Council had greater control over the development anyhow and there was no need for excessive formal conditions, such as a Construction Management Plan.

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

The Chair 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 permit application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	Abstain
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	No vote recorded
Carried	

41. CHANGE OF USE OF LAND FOR PARKING OF HEAVY GOODS VEHICLE (HGV) FOR A TEMPORARY PERIOD OF 36 MONTHS INCLUDING ERECTION OF FENCING/GATES AND A MOBILE BUILDING APPLICATION REFERENCE 23/00565/FUL

This application had been withdrawn from the agenda and was not considered but will be reported to a future meeting.

42. ERECTION OF A RURAL WORKERS DWELLING AND SECURE AGRICULTURAL STORE APPLICATION REFERENCE 23/00306/FUL

Rainbow Crescent, 7 The Moorlands, Coleorton, Coalville, Leicestershire, LE67 8GG

Officer's recommendation: Permit, subject to conditions

Having declared an interest in the item, Councillor R Boam left the Committee for the remainder of the meeting. Councillor A Woodman took his place on the Committee and Councillor R Morris took his place in the Chair.

The Senior Planning Officer presented the report.

Chairman's initials

Mr Harris-Watkins, agent, addressed the Committee. He noted this was not an item which would typically go before the Committee if not for the relationship of the developer to a sitting Councillor. He detailed the strong agriculturally centred reasons why the development was needed, referred to the many consultees which had offered no objection to the development, and noted that the only objection was from the Parish Council. He urged Members to permit the application in accordance with the officer's recommendation.

A couple of Members discussed the need to balance limits to development considerations against examples where there was a clear need for development, in accordance with policies in the Local Plan. They felt in this case the concrete agricultural need weighed in favour of development, but they sought assurances from Officers that rules would not be undermined in the future at this location. Concern was also raised about the future conversion of the agricultural building using permitted development rights.

The advice of the Planning and Development Team Manager was that a recommended condition meant the farmer could retire in the property, their widow or widower and their dependents, but then must be sold on as an agricultural workers dwelling should none of those listed relatives exist in the future or they would need to apply to have the condition removed. Members asked whether an application could be submitted by one of the family members in the future for a second tied house on site and the team manager advised that could potentially be the case, but that would be a significant number of years into the future and that case would need to be considered on its own planning merits at that time.

With regard to the potential future permitted development conversion of the agricultural buildings on site, advice was provided that this would need to accord with the provisions of the relevant legislation including the need to have used the building for agricultural purposes for a period of ten years or over. Members were advised that agriculturally tied dwellings had been a part of national and local planning policy for a considerable number of years and are a potentially acceptable exception to adopted policy.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor R Canny and seconded by Councillor N Smith.

The Chair 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 permit application in accordance with officer's recommendation (Motion)	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	No vote recorded
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	For
Carried	

Chairman's initials

43. ERECTION OF 5 NO SELF BUILD DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) APPLICATION REFERENCE 23/00740/OUT

Land at Main Street, Swannington, Coalville, Leicestershire, LE67 8QL

Officer's recommendation: Permit, subject to conditions and S106 agreement

The Senior Planning Officer presented the report.

Ms Stafford, Parish Councillor, addressed the Committee. She argued that the development contravened every policy of the Council's Local Plan and Swannington's Neighbourhood Plan. This reflected a growing national issue that the self-build category was being unscrupulously misused by developers. She set out the reasons behind this claim. She added that this application was only being recommended to meet the Council's self-build quota, and advised Members that there was no precedent for Planning Committees having their decisions successfully appealed when the application so clearly contravened the Local Plan. Alternatively, she felt that the Committee would be setting an unwise precedent if this application was approved.

The Planning and Development Team Manager advised the Committee that National Government requires all councils to provide self builds in their area. It was explained that the judgement on whether self-build applications were to be supported or not was based on a judgment of the impact of the scheme on the surrounding area and their impacts on policy weighted against the positive impact that they deliver self-build housing in line with national requirements.

A few Members of the committee expressed strong criticisms of the proposed development and the wider concept of self-build. Members felt that permitting the application would be overruling the wishes of the Parish Council, which had selected other sites in the Parish to be developed in their Neighbourhood Plan of March 2023; that it would clearly violate three of the five criteria of Policy S3 of the Local Plan; and that it was outside the limits to development. Relatedly, but more generally, Members felt that the concept of self-build as currently used was highly misleading; and permitting the application would send a poor message about the value of Local Plans.

The Planning and Development Team Manager clarified the distinction between self-build and custom-build and noted that this development was an example of the latter. He added that some concerns raised were addressed in the conditions and would be reflected later in the process. He also advised the Committee that the quota discussed would be combined with the following year if it was not met and this was something Members should bear in mind.

Due to the nature of the discussions, the Head of Planning and Infrastructure reminded the Committee that material planning reasons were required if they were minded to go against the Officer's recommendation. Further debate was had on possible reasons to refuse the application.

Members stated the following reasons: it was contrary to Policy S3 of the Local Plan being outside limits to development, was considered to form a suburban form of development and would harm the character of the settlement and contrary to the Neighbourhood Plan Policy H2 agreed in March 2023

The recommendation to refuse the application on the grounds that it was contrary to Policy S3 of the Local Plan in relation to the fact that it is outside of the limits to development, a suburban form of development, and it would be harmful to the character of

Chairman's initials

the settlement and the requirements of Policy H2 of the Neighbourhood Plan was moved by Councillor R Canny and seconded by Councillor D Bigby.

The Chair 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 was contrary to Policy S3 of the Local Plan, and Policy H2 of the Neighbourhood Plan agreed in March 2023.

Motion to reject application, contrary to officer's recommendation (Motion)	
Councillor Russell Boam	No vote recorded
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Rachel Canny	For
Councillor Doug Cooper	No vote recorded
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Moulton	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Councillor Nigel Smith	For
Councillor Andrew Woodman	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.34 pm