

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 6 February 2024

Present: Councillor R Boam (Chair)

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

In Attendance: Councillors R Johnson, K Merrie MBE and A C Saffell

Officers: Mrs H Exley, Mr D Jones, Mr S James, Mr J Knightley, Mr C Unwin-Williams, Mrs R Wallace and Ms D Wood

## **58. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor R Canny.

## **59. DECLARATION OF INTERESTS**

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

Councillor D Bigby declared a registerable interest in item A2 – application 23/01108/FUL, as he was speaking on application as adjoining Ward Member. During the consideration and voting on the application, Councillor T Eynon would join the Committee as a substitute for Councillor D Bigby.

Councillors J Simmons and N Smith declared a registerable interest in item A1 – application 23/00565/FUL, as Members of the Licensing Sub Committee that granted the premises licence. They would therefore leave the meeting during consideration and voting thereon.

Councillor N Smith declared an 'other' interest in item A2 – application 23/01108/FUL, as he was the Chair of the Planning Committee when the application was originally considered.

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 23/00565/FUL: Councillors, D Bigby, D Everitt, J Legrys, R Morris, P Moul, J Simmons, C Sewell and M Wyatt.

Item A2 – application number 23/01108/FUL: Councillors D Everitt, J Legrys, R Morris, P Moul, J Simmon, C Sewell and M Wyatt.

Item A3 – application number 23/01240/OUT: Councillors D Bigby, and J Legrys.

Item A4 – 23/012418/OUT: Councillors D Bigby, and J Legrys.

## **60. MINUTES**

Consideration was given to the minutes of the meeting held on 10 January 2024.

It was moved by Councillor J Legrys, seconded by Councillor M Wyatt and

Chairman's initials

RESOLVED THAT:

The minutes of the meeting held on 10 January be approved and signed by the Chair as a correct record.

**61. 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.

**62. 23/00565/FUL: 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**

Former site of the Stardust Nightclub, Beveridge Lane, Bardon

**Officer's recommendation:** Refuse

Having declared an interest in the item, Councillors J Simmons and N Smith removed themselves from the meeting during the consideration and voting thereon.

The Senior Planning Officer presented the report.

Ms H Binns, objector, addressed the Committee. She explained she was a representative from Greene King Brewery and was speaking on behalf of the owners of the public house next to the application site. She stated that the HGV access route through the public house carpark caused danger to life to the customers and the use of the site was not appropriate for the location. Concerns of noise were shared as well as safety for any pedestrian on foot in the proximity of the site. Ms Binns urged the Committee to refuse and to consider road safety, pedestrian safety, noise, and sustainability as reasons for refusal.

Mr N Rowe, objector addressed the Committee. He explained he was a highway consultant hired by Greene King Brewery to assess the use of the application site. He commented that the HGV movements through the carpark caused pedestrian safety concerns as well as damage to the carpark and insufficient manoeuvring space. It was noted that during his time on site he witnessed 10 HGV's performing illegal right turns which lead to highway safety concerns. In his opinion, there was nothing that could be proposed by the applicant to sufficiently mitigate these concerns. He added that there was clear evidence to refuse the application on severe highway impact and safety.

Mr G Hutchinson, agent, addressed the Committee. He referred to the list of reasons for refusal but commented that there was no clear reason why the proposal was unacceptable. He explained that the business had been operating with no impact on the neighbours for four years and although it was undesirable for the neighbours, he felt it was not unacceptable in planning terms. He commented that there was no due regard given to the benefit of the site and stated that it was vital for the safety of HGV drivers to avoid parking in residential areas. He concluded that refusing the application would close the park and would show inconsistency in decision making.

Councillor K Merrie, Ward Member, addressed the Committee. He highlighted the regular complaints of residents, Greene King Brewery and the Parish Council in relation to highway safety at the access as it was clear it was not being used as intended. He also mentioned the unauthorised floodlighting and the fact it was currently operating without permission as the temporary permission had expired. It was noted that there had been multiple problems over the last four years in relation to highway and pedestrian safety and the use was incompatible with the public house due to the carpark users of the customers.

Chairman's initials

He stressed that the business had a negative impact on the area and was unsafe, plus the site was not part of the strategic highway network so not needed on this site. He reminded Members that the National Planning Policy Framework referred to pedestrian safety for access and egress, and therefore urged the Committee to refuse the application.

The Planning and Development Team Manager addressed the matters raised by the speakers and referred Members to the update sheet which explained why the reasons for refusal put forward by Greene King Brewery could not be used.

In determining the application, Members discussed their concerns of safety, location and the impact on the local community and businesses. Advice was sought on the officer's reason for refusal in the event the application was refused and was taken to appeal. The Legal advisor confirmed that there were no objections to the recommendations.

Further discussion ensued and the overall views of Members was that they were not in support of the application.

The officer's recommendation to refuse the application was moved by Councillor R Morris and seconded by Councillor J Legrys.

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

The motion was CARRIED.

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Head of Planning and Infrastructure.

| <b>Motion to refuse in accordance with officer's recommendation (Motion)</b> |                       |
|--|-----------------------|
| Councillor Russell Boam  | For                   |
| Councillor Ray Morris  | For                   |
| Councillor Dave Bigby  | For                   |
| Councillor Morgan Burke  | For                   |
| Councillor David Everitt   | For                   |
| Councillor John Legrys   | For                   |
| Councillor Peter Moulton   | For                   |
| Councillor Carol Sewell  | For                   |
| Councillor Jenny Simmons   | Conflict Of Interests |
| Councillor Nigel Smith   | Conflict Of Interests |
| Councillor Michael Wyatt   | For                   |
| <b>Carried</b>   |                       |

**63. 23/01108/FUL: WORKS TO AN EXISTING CLUBHOUSE TO INCLUDE RAISING THE ROOF HEIGHT TO PROVIDE FIRST FLOOR ACCOMMODATION, DORMER WINDOWS AND A BALCONY WITH THE ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE CHANGING ROOM FACILITIES, RETENTION/EXTENSION TO TERRACE STAND AND NEW PATHWAY**

Ashby Ivanhoe Football Club, Lower Packington Road, Ashby de la Zouch

**Officer's recommendation:** Permit

Having declared an interest in the item, Councillor D Bigby removed himself from the meeting to join the public gallery prior to being invited to speak as the adjoining Ward

Chairman's initials

Member. Councillor T Eynon joined the Committee as a substitute and announced she had no interests to declare.

The Senior Planning Officer presented the report.

Mr C Benfield, Town Councillor, addressed the Committee. He stated that the parish had been supportive of the application as they acknowledged the need for the sporting facility and the aspirations of the club. However, they had been disappointed with the lack of communication with the parish and the community which the recently established Liaison Committee has helped with. He shared concerns with increase in traffic in relation to highway and pedestrian safety and noise levels during events.

Mr B Everitt, objector, addressed the Committee. He felt that the expansion would generate more activity and visitors to the site which would have an impact on the highway. He shared concerns that there was a lack of parking facilities already and this application would only exasperate the parking issues in the area. He was disappointed that a highway assessment had not been undertaken by the applicant and visibility splays had not been done. He concluded that he acknowledged the importance of good sporting facilities, especially for young people, but he believed more assessment was required.

Mr M Cooper, agent, addressed the Committee. He stated that the club was in desperate need of modernising with the current changing facilities not meeting current standards. He referred to the report which addressed all concerns received and Members were reminded that there were no objections from statutory consultees. He explained that the wider issues were being looked at by various groups including Leicestershire County Council and the police. He concluded that the Council had recently announced its desire to improve sporting facilities in Ashby and therefore urged Members to permit the application.

Councillor D Bigby, adjoining Ward Member, addressed the Committee. He stated that although he was in support of good sporting facilities in Ashby, his main concerns with this application were the access and highway safety. He commented that there was a strong argument that more club house space would lead to more events and activity, and it was disappointing that the club were reluctant to accept Section 106 Agreement suggestions. He suggested that if the Committee was minded to permit the application, Section 106 Agreements relating to access be added, or alternatively the application be deferred to allow officers and the applicant to come to an agreement on the matter.

The Planning and Development Team Manager addressed comments made by the speakers and confirmed the application was not to address the access concerns only the improvement of the facilities. Advice was given on the options available to move forward with the application.

In determining the application Members spoke both in support and against. A Member suggested that a deferral could be the best option and advice was sought on what could be achieved if the Committee were minded to defer. The Planning and Development Team Manager explained that work could be undertaken on a Section 106 Agreement, however the application could not be approved with a Section 106 Agreement if the applicant did not agree.

After further discussions on possible motions available to Members, Councillor R Boam moved the officer's recommendation to permit and it was seconded by Councillor M Wyatt.

Councillor J Legrys then moved an amendment to defer the application and it was seconded by Councillor P Moulton.

Chairman's initials

At this point, procedural advice was sought from the Committee and provided by the Legal Advisor.

The amendment to defer the application was put to the vote. A recorded vote being required, the voting was as detailed below.

The motion was LOST.

The Chair put the substantive motion to permit in accordance with officer's recommendation to the vote. A recorded vote being required, the voting was as detailed below.

The motion was CARRIED.

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 D Bigby returned to the Committee. Therefore, as no longer required as a substitute, Councillor T Eynon returned to the public gallery.

| <b>Motion to permit in accordance with officer's recommendation (Motion)</b>            |         |
|---|---------|
| Councillor Russell Boam   | For     |
| Councillor Ray Morris   | For     |
| Councillor Morgan Burke   | For     |
| Councillor David Everitt  | For     |
| Councillor Dr Terri Eynon   | For     |
| Councillor John Legrys  | Against |
| Councillor Peter Mout   | Against |
| Councillor Carol Sewell   | Against |
| Councillor Jenny Simmons  | For     |
| Councillor Nigel Smith  | Against |
| Councillor Michael Wyatt  | For     |
| <b>Carried</b>  |         |
| <b>Amendment to Motion to allow Officers to provide further information (Amendment)</b> |         |
| Councillor Russell Boam   | Against |
| Councillor Ray Morris   | Against |
| Councillor Morgan Burke   | Against |
| Councillor David Everitt  | For     |
| Councillor Dr Terri Eynon   | For     |
| Councillor John Legrys  | For     |
| Councillor Peter Mout   | For     |
| Councillor Carol Sewell   | For     |
| Councillor Jenny Simmons  | Against |
| Councillor Nigel Smith  | Against |
| Councillor Michael Wyatt  | Against |
| <b>Rejected</b>   |         |

**POST MEETING NOTE:** Following the meeting it was identified that an error had been made in the recording and announcement of the vote, therefore the application was determined incorrectly. The application was reconsidered at the Planning Committee meeting held on 5 March 2024.

Chairman's initials

**64. 23/01240/OUT: ERECTION OF ONE DETACHED SELF BUILD DWELLING (OUTLINE APPLICATION - ALL MATTERS RESERVED)**

Land off Townsend Lane, Donington le Heath, Leicestershire

**Officer's recommendation:** Permit, subject to S106 agreement

The Chair explained that although item A3 and A4 were applications for the same site, there were two separate applicants and therefore must be dealt with separately. However, the speakers had indicated that they would only like to address the Committee once.

The Senior Planning Officer presented the report.

Mr S Palmer, objector, addressed the Committee. He stated that the site was outside the limits to development and therefore in accordance with the Local Plan should not be developed. He challenged the report which stated that the area was required to take its share of new homes, however the area had already taken over fifty percent of development across the district. He felt that the Local Plan had legal standing, as well as the Neighbourhood Plan which had been voted upon by the community, and these should not be ignored. He concluded that it could be a costly precedent if the plans were ignored.

Councillor R Johnson, Ward Member, addressed the Committee. He expressed his disappointment with the officer's report as he believed there were many inaccuracies. He referred to the residents' objections and their concerns that approval of these applications would open the floodgates for more development in the area. The Committee were reminded that there had been two previous applications on this site that had been refused as they would have caused significant detriment to the character and appearance of the area, and harm the rural setting of the conservation area. Reference was made to the area as a hamlet that was not sustainable for development with no bus service or amenities. Councillor R Johnson concluded that both applications went against the national Planning Policy Framework in relation to protecting green belt and conserving and enhancing the historic environment. As well as being outside the limits to development in the Local Plan and Neighbourhood Plan.

The Planning and Development Team Manager addressed the matters raised by the speakers.

In determining the application Members discussed at length the matter of the site being outside the limits to development and the parish's Neighbourhood Plan. There was some reservation to permit due to the objections of residents and the Parish Council. The Planning and Development Team Manager explained that the Neighbourhood Plan held less weight in this instance as the Self Build Act applied. Further discussion was had on the Council's advice document on self builds in relation to edge of settlements and boundary limits.

It was acknowledged that the self-build legislation did make the decision more difficult, and some concern was shared that if the application was refused then the Planning Inspector would approve should it go to appeal.

The officer's recommendation to permit was moved by Councillor R Morris and seconded by Councillor J Simmons.

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

Chairman's initials

The motion was LOST.

The Chair then sought an alternative motion.

Councillor J Legrys moved that the meeting be adjourned for ten minutes to allow the Committee to gain advice on and discuss reasons for refusal. It was seconded by Councillor M Wyatt and agreed.

The Committee adjourned at 7.55pm and reconvened at 8.05pm.

Councillor D Bigby moved that the application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater. It was seconded by Councillor J Legrys.

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

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater.

| <b>Motion to permit in accordance with officer's recommendation (Motion)</b> |         |
|--|---------|
| Councillor Russell Boam  | For     |
| Councillor Ray Morris  | For     |
| Councillor Dave Bigby  | Against |
| Councillor Morgan Burke  | Against |
| Councillor David Everitt   | Against |
| Councillor John Legrys   | Against |
| Councillor Peter Mout  | Against |
| Councillor Carol Sewell  | Against |
| Councillor Jenny Simmons   | For     |
| Councillor Nigel Smith   | Against |
| Councillor Michael Wyatt   | Against |
| <b>Rejected</b>  |         |
| <b>Motion to refuse for reasons detailed above (Motion)</b>                  |         |
| Councillor Russell Boam  | Against |
| Councillor Ray Morris  | Abstain |
| Councillor Dave Bigby  | For     |
| Councillor Morgan Burke  | For     |
| Councillor David Everitt   | For     |
| Councillor John Legrys   | For     |
| Councillor Peter Mout  | For     |
| Councillor Carol Sewell  | For     |
| Councillor Jenny Simmons   | Abstain |
| Councillor Nigel Smith   | For     |
| Councillor Michael Wyatt   | For     |
| <b>Carried</b>   |         |

**65. 23/01241/OUT: ERECTION OF ONE DETACHED SELF BUILD DWELLING (OUTLINE APPLICATION - ALL MATTERS RESERVED)**

Land off Townsend Lane, Donington le Heath, Leicestershire

**Officer's recommendation:** Permit, subject to S106 agreement

The Senior Planning Officer presented the report.

Mr S Palmer, objector and Councillor R Johnson, Ward Member, declined the opportunity to address the Committee again as they had made statements under the last application and had nothing different to add.

Councillor J Legrys moved that the application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricted development in the countryside was greater. It was seconded by Councillor M Wyatt.

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

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the weighting given to the Council's Local Plan and the Parish's Neighbourhood Plan which restricte development in the countryside was greater.

| <b>Motion to refuse for reasons detailed above (Motion)</b> |         |
|---|---------|
| Councillor Russell Boam                                     | Against |
| Councillor Ray Morris                                       | Abstain |
| Councillor Dave Bigby                                       | For     |
| Councillor Morgan Burke                                     | For     |
| Councillor David Everitt                                    | For     |
| Councillor John Legrys                                      | For     |
| Councillor Peter Mout                                       | For     |
| Councillor Carol Sewell                                     | For     |
| Councillor Jenny Simmons                                    | Against |
| Councillor Nigel Smith                                      | For     |
| Councillor Michael Wyatt                                    | For     |
| <b>Carried</b>  |         |

**66. 23/01482/VCIM: ERECTION OF 400 DWELLINGS APPROVED UNDER APPROVAL REF. 23/00459/VCUM (OUTLINE PLANNING PERMISSION REF. 22/01140/VCIM) WITHOUT COMPLYING WITH CONDITION 8 SO AS TO ALLOW FOR REMOVAL OF ADDITIONAL TREES**

Land north of Standard Hill and west of Highfields Street, Hugglsecote, Coalville

**Officer's recommendation:** Permit, subject to conditions

The Principal Planning Officer presented the report to Members.

Councillor T Eynon, Ward Member, addressed the Committee. She referred to the history of applications for the site and believed that over the years the applicant was slowly 'nibbling away' at the site which had led to the residents' lack of confidence in the

Chairman's initials



developer. She explained that she had called the application in to reassure residents that the loss of the trees was unavoidable and if the application was permitted, mitigated to replenish the trees and wildlife.

The Principal Planning Officer addressed the matters raised by the speaker and confirmed the justification of the tree removal.

In determining the application, Members stressed the importance of replacing the trees 'like for like' so that there was substantial replanting. Some concern was also shared on the removal of healthy trees, but it was clear that there was no alternative scenario where trees would not be lost. Following further discussions, it was agreed that a note to the applicant be included specifying that replanting be undertaken with mature 'like for like' trees on a ratio of four trees for every one removed. The Planning and Development Team Manager advised that officers were unable to specify everything, but they could ask for a minimum standard of good quality trees.

Councillor J Legrys moved the officer's recommendation to permit and it was seconded by Councillor R Morris.

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

The motion was CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure, with the inclusion of a note to the developer in relation to the standard and quality of the tree replanting.

| <b>Motion to permit in accordance with officer's recommendation (Motion)</b> |     |
|--|-----|
| Councillor Russell Boam  | For |
| Councillor Ray Morris  | For |
| Councillor Dave Bigby  | For |
| Councillor Morgan Burke  | For |
| Councillor David Everitt   | For |
| Councillor John Legrys   | For |
| Councillor Peter Moulton   | For |
| Councillor Carol Sewell  | For |
| Councillor Jenny Simmons   | For |
| Councillor Nigel Smith   | For |
| Councillor Michael Wyatt   | For |
| <b>Carried</b>   |     |

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.35 pm

Chairman's initials