

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 4 June 2024

Present: Councillor R Boam (Chair)

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

In Attendance: Councillors C Beck, M Blair-Park and R Johnson

Officers: Mr C Elston, Mr D Jones, Mr S James, Mr T Devonshire and Mr A Mellor

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors C Sewell and N Smith.

**2. DECLARATION OF INTERESTS**

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

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 23/00173/FULM: Councillors D Bigby, D Everitt, J Legrys, R Morris and P Moul.

Item A2 – application number 23/01153/FULM: Councillors D Bigby, D Everitt, R Canny, J Legrys, R Morris, P Moul and J Simmons.

Councillor D Bigby and D Cooper also declared a registrable interest in Item A2, as Ashby Town Councillors, but they had come to the meeting with an open mind.

**3. MINUTES**

Consideration was given to the minutes of the meeting held on 30 April 2024

It was moved by Councillor M Burke, seconded by Councillor R Morris and

RESOLVED THAT:

The minutes of the meeting held on 30 April 2024 be approved and signed by the Chair as a correct record.

**4. 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.

**5. 23/00173/FULM - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 100 DWELLINGS, WITH ACCESS, FOUL PUMPING STATION AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE**

Chair's initials

The Principal Planning Officer presented the report.

Councillor J Geary, objector, addressed the Committee. He advised that he had been involved with the application due to the illness of the previous Ward Member. He was broadly in favour of the proposal as the site was surrounded by development on three sides and the design was pleasing but he was greatly concerned about congestion and road safety. Therefore, he requested certain conditions be imposed if permission was to be granted, including ward Member involvement on boundary treatments with Private Road, traffic access solely via Standard Hill, and the utilisation of Vehicle Activated Signs to reduce dangerous driving which had historically been a problem on that road. He also requested construction management and traffic routing conditions.

Ms C Clarke, agent for the development, addressed the Committee. She stressed that this was proposed as an entirely affordable housing development with a variety of house types, that the developers would contribute approximately £1 million to the benefit of the local community, that the site was earmarked in the emerging Local Plan and that she had worked with Officers to address key concerns. In response to concerns raised, she advised that the ward Member would be consulted, noted traffic flow and safety mitigations planned and the lack of objection from Leicestershire County Council Highways, and reiterated that the design had been approved by the Council's urban design advisor.

Councillor C Beck, ward Member, addressed the Committee. She advised that residents were concerned with construction traffic, sought assurances about lorries on Highfield Street, was concerned with the lack of prospective public transport links, and noted that Leicestershire County Council Highways thought there was the potential for traffic dangers.

The Planning and Development Team Manager addressed some of these concerns around road safety and how they could be formally communicated to the developer, though he advised that a construction management plan or a construction traffic routing plan could not be made a condition as they failed the test for planning conditions. However, traffic construction routing would be controlled by a clause in the Section 106 Agreement.

Members debated road safety and traffic congestion matters. Members favoured the use of Vehicle Activated Signs to mitigate road safety concerns, expressed strong concern about the impact of speeding and congestion on residents both when the site was finished and whilst it was being constructed, and wondered what mechanisms could be put in place to ease the speeding issue.

A Member disputed the issue of lack of public transport links, suggesting the site was in a sustainable location near to Coalville town centre and that demand for better transport links might be generated by the development itself and that the lack of them would impact only a small number of people. Some Members were also inclined to defer to Officer's recommendations re traffic congestion and road safety.

Officers offered further advice on the limited use of Vehicle Activated Signs, what could be negotiated with the applicant regarding traffic speeds and what was the responsibility of Leicestershire County Council Highways. As such, Officers advised that a note to applicant could be attached to the decision notice if permission was granted to advise the applicant to discuss the position of these signs with County Highways.

Members broadly agreed that the development would provide social housing, which was much needed, and they accepted the design of the development was of a good standard. A Member did question the adequacy of the provision of play facilities for the site to be used by children from the new development. Officers advised that the site was in close

proximity to a nearby development and a condition of S106 for that site was that the play facilities were available to the public in general and not to just the residents of the specific development.

The officer's recommendation to permit the application, subject to a S106 agreement, was moved by Councillor R Morris and seconded by Councillor R Canny.

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.

<b>Motion to permit the application in accordance with the officer's recommendations (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Morgan Burke	Abstain
Councillor Rachel Canny	For
Councillor David Everitt	Abstain
Councillor John Legrys	Against
Councillor Peter Mout	For
Councillor Jenny Simmons	For
Councillor Doug Cooper	For
Councillor Andrew Woodman	For
<b>Carried</b>	

#### **6. 23/01153/FULM - ERECTION OF NEW LIDL FOODSTORE (USE CLASS E) WITH CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS**

The Principal Planning Officer presented the report.

Town Councillor P Zamani, on behalf of Ashby Town Council, addressed the Committee. He referred to a number of technical considerations as to why the application should be rejected including that the application would be contrary to the Neighbourhood Plan and would have significant detrimental impacts on Ashby Town Centre. He then requested that if the Committee were minded to approve, that a financial contribution towards the maintenance of Ashby Town Centre be attached as an additional condition of the S106 agreement, following the precedent of the contributions of Aldi and Tesco when they had built or extended stores very close to the proposed site.

Ms K Hall, objector, addressed the Committee. She referred to various technical considerations as to why she felt that the application was procedurally flawed, such as but not limited to non-compliance with policy EC8 of the North West Leicestershire Local Plan. She stressed the impact of traffic congestion created by the proliferation of similar business in the area, which this development would exacerbate.

Mr R Huteson, agent, addressed the Committee. He stressed the close cooperation with Officers to develop the proposal, that Leicestershire County Council Highways were satisfied with the proposal, that the design would contribute to and enhance the site and the surrounding area, and that Environmental Health had not raised concerns on the grounds of either air or noise pollution. As for tangible benefits, the proposed development would boost the local economy, create up to 40 jobs at living wage or above rates of pay,

Chair's initials

and improve local shopping choice. He concluded that Members should approve the application in accordance with the Officer's recommendations.

Councillor M Blair-Park, ward Member, addressed the Committee. He was concerned with the increasingly grave problem of traffic congestion on and around Nottingham Road which had not been mitigated commensurately with development over the years. This was exacerbated by the fact that the site was near to several major road networks. The proposed housing at Money Hill would also contribute to further congestion. There were already three nearby grocery retailers. Multiple other uses for the building had been proposed by people within the community. The developer was consequently encouraged to seek an alternative site.

Members raised concerns that this was not the sequentially best site for the store and other sites on the Money Hill development should be explored further. The impact on the town centre in terms of loss of trade was also raised.

Members discussed the design of the proposed building and associated landscaping plan. Members expressed significant concern about the loss of frontage trees, that the existing award winning building would be demolished which could also adversely impact local residents in terms of noise and dust nuisance. Members also requested extra conditions be attached if the application was successful to remedy the landscaping damage that had already been carried out. Officers advised that Members should consider that the building was not currently utilised and at risk of dereliction; and that the positioning of different types and designs of building to highlight contrasts in different locations, as was proposed in this application, was a fairly standard development and design practice.

Members discussed whether securing a financial contribution from Lidl as part of the S106 agreement was possible, as had happened with other retail sites near to the site when they had opened/extended. Members were strongly in favour of such a contribution and discussed whether it could be spent on enhancement schemes in the town centre, the creation of cycle routes from the site to the town centre or perhaps both. Officers advised that section 106 regulations had changed since previous retail stores had been built or extended and worked up schemes must now be in place before a financial contribution could be requested from developers.

Members expressed concerns about existing traffic congestion issues in the area around the development and how this might be exacerbated by the proposed development.

Members suggested that residents of Ashby would likely support a new grocery retail at a different site in the town and made some suggestions of where it could potentially be located.

A Member said that, whilst there seemed to be many "common sense" grounds to reject the application, it was likely that these would not constitute material planning reasons. As such, the Committee should be wary that refusal of the application would likely be appealed by the developer.

As a result of the debate, the Chair asked officers about the possibility of deferring the application to further consider the concerns raised.

The Head of Planning and Infrastructure summed up the concerns the Committee had expressed as follows:

- Lack of financial contribution towards town centre enhancements/cycle route links;
- Design of the building;
- Loss of trees and landscaping;
- Whether the sequential test had been applied properly;
- Had adequate marketing of the building for Alternative uses taken place; and

Chair's initials

- Impact on neighbour's amenity during demolition of the building.

The Head of Planning and Infrastructure advised that he would raise these matters with the developer if the application was deferred, which in light of the issues raised, he was now suggesting as an option for members to consider.

In response to a further question about neighbours' concerns about the demolition of the building, the Planning and Development Team Manager advised that the building could be demolished by the developers through a simplified consent process which could be outside of this planning application.

A Member requested that during the deferral period Officers contact interested parties about potential schemes where money could be spent if it was forthcoming. The Chair concurred.

The motion to defer the application was moved by Councillor R Boam 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 motion be deferred for the issues outlined above.

<b>Motion to defer the application (Motion)</b>	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Morgan Burke	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Jenny Simmons	For
Councillor Doug Cooper	For
Councillor Andrew Woodman	For
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.44 pm