

MINUTES of a meeting of the PLANNING Committee held in the Remote Meeting using Microsoft Teams on TUESDAY, 1 December 2020

Present: Councillor N Smith (Chairman)

Councillors D Bigby, A J Bridgen, R Canny, D Everitt, S Gillard, D Harrison, J Hault, J Legrys, M B Wyatt and J Bridges (Substitute for Councillor R Boam)

In Attendance: Councillors R Ashman, E G C Allman and T Eynon

Officers: Mr C Elston, Mr J Mattley, Miss S Odedra, Mrs C Hammond, Mr T Delaney and Mr J Knightley

40. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R Boam.

41. DECLARATION OF INTERESTS

The Chairman advised that the members of the committee, who were in attendance for the technical briefing on Thursday, 29 November, were lobbied on item A1, application number 20/00330/FULM, by residents through Councillor E Allman. This did not apply to Councillors A Bridgen, J Bridges and M B Wyatt who had not attended.

He also informed all in attendance that Councillor M B Wyatt had advised the Legal Advisor that he had contacted the agent, in relation to item A1, application number 20/00330/FULM, to make them aware of the ability to contribute to the cost of the Coalville Christmas lights and Coalville in Bloom. Councillor M B Wyatt confirmed that he had done so in his capacity as Chairman of the Coalville Special Expenses Working Party and not as a member of the Committee. The Chairman advised that a contribution towards the Christmas lights and/or Coalville in Bloom was not a material planning consideration forming part of the recommendation. Therefore, whether the applicant does or does not contribute towards the Coalville Christmas lights and/or Coalville in Bloom should not be taken into consideration by members when deciding and voting on the application.

Councillors J Legrys and M B Wyatt declared that they had been lobbied without influence in respect of item A1, application number 20/00330/FULM but had come to the meeting with an open mind.

42. MINUTES

Consideration was given to the minutes of the meeting held on 3 November 2020.

The Chairman advised that he had liaised with Democratic Services to amend the minutes in relation to the nature of his interest at the last meeting from pecuniary to non-pecuniary.

It was moved by Councillor J Legrys, seconded by Councillor D Harrison and

RESOLVED THAT:

Subject to the change of the nature of Councillor N Smith's interest at the meeting, the minutes of the meeting held on the 3 November 2020 be approved and signed by the Chairman as a correct record.

Chairman's initials

43. **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 Chairman advised that item A2, application number 20/00822/FUL had been withdrawn from the agenda.

44. **20/00330/FULM: HYBRID PLANNING APPLICATION SEEKING OUTLINE PERMISSION (ACCESS) FOR UP TO 3000M2 OF B1, B2 OR B8 FLOORSPEACE. FULL PLANNING CONSENT FOR 3 EMPLOYMENT UNITS (B1, B2) WITH ASSOCIATED ACCESS, STRUCTURAL LANDSCAPING ENGINEERING AND DRAINAGE WORKS**

The Principal Planning Officer presented the report to members.

Mr R Heath, objector, addressed the committee highlighting the number of objections that had been submitted against the application and that half of the application was based on speculation without a commitment to completing the project. He was concerned that a full Environmental Impact Assessment should have been commissioned, as the application before them would have a significant impact on both the carbon neutral reduction promises and the air quality in the area. He also expressed concern that the traffic and noise reports were flawed and urged the committee to refuse the application.

Mr J Clark, agent, addressed the committee highlighting the collaborative approach the applicant had taken working with officers to develop the scheme with a significantly different visual appearance of the proposal to what was first submitted. He noted the proposed use of landscaping to soften the appearance of the development, that there were no objections from statutory consultees and that the proposal would assist a local business wishing to expand. He urged the committee to permit the application.

Parish Councillor R Cairns, on behalf of Swannington Parish Council, addressed the committee highlighting the objections that had been received to the application and that, by permitting the application at that site before them, would effectively move a number of residential properties into an industrial estate. He felt that there were more suitable brownfield sites in the area.

Councillor T Eynon, Leicestershire County Councillor, addressed the committee highlighting concerns raised by both LCC and NWLDC, that there was no national planning policy requirement to measure the levels of dirty air particles. She also highlighted the impact the development would have on the A511, which already required significant improvement to deal with the current volumes of traffic, especially the increase in vehicle movements should the application be permitted and potential accidents from slow moving heavy goods vehicles pulling out of the site. She urged the committee to refuse the application or consider a condition of left turns only in and out of the site.

Councillor E Allman, Ward Member, addressed the committee highlighting the concerns of the residents about the application including the lack of information provided in responses to residents about the proposal, the lack of community engagement from the applicant and their agents, and that the applicant had verbally agreed to no further development in the area. He raised concerns that the application would have a significant impact on the local amenities and the air quality in the area, that the extension would not benefit the local area and community, that there was no need demonstrated for the proposed units and the site was not allocated for development in the Local Plan. He urged the committee to refuse the application.

Chairman's initials

In determining the application some members expressed concerns that the application did not comply with Local Plan policy Ec2 part 2 as there was no evidence for the need for the units in the outline application and because the application would have a significant adverse impact on the neighbouring residential properties, therefore being contrary to Local Plan policy D2. Concerns were also raised about flooding in the surrounding areas due to surface water runoff from the site, the negative impact on air quality from the vehicles on the neighbouring residential areas, the significant impact the development would have on the A511 and the distance to the nearest bus stop. Members noted that the site was inside the Limits to Development, as set out in the Local Plan, and that the full application was an extension to an existing business.

Members were advised that they had to consider the application as a whole and could not make separate decisions in respect of the full and outline elements of the application. They were also advised that if members were minded to permit the application, conditions could be added to the outline permission at this stage that would ensure a maximum height restriction at the reserved matters stage, as well as conditions to reduce the timescale for the implementation of the development and submission of the reserved matters application. Following a question from a Councillor, it was explained that the committee could not exclude the B8 unit from the application and that the application as submitted would need to be considered and decided by the committee.

A motion to refuse the application on the grounds that it failed to comply with Local Plan policy Ec2 part 2, as there was no evidence in the outline application for either the need or demand for that part of the development, that the outline part failed to demonstrate that the proposed uses could not be met by land allocated in the Local Plan, that the development would have a detrimental effect on the amenities of the surrounding residential properties and failure to comply with Local Plan policy D2, due to inadequate screening of the site, which would have an overbearing impact on the residential properties was moved by Councillor D Bigby and seconded by Councillor J Legrys.

The Head of Planning and Infrastructure advised that should they wish to do so, the committee could move to defer the application to allow the applicant the opportunity to provide the evidence required in relation to the need or demand for the development.

The motion to refuse was withdrawn.

A motion to defer the application to allow the applicant the opportunity to provide the evidence that was outlined in the motion to refuse was moved by Councillor D Bigby and seconded by Councillor J Legrys.

The Chairman put the motion to the vote. A recorded vote being required, the voting was as detailed below. As the vote was tied, the Chairman exercised his casting vote against the motion.

The motion was declared LOST.

A motion to permit the application in accordance with the officer recommendation subject to additional conditions relating to the maximum height parameters on the outline application and a reduced timescale in respect of the outline elements, which would be delegated to officers, in conjunction with the legal advisor to agree with the applicant was moved by Councillor N Smith 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:

Chairman's initials

The application be permitted in accordance with the recommendation of the Head of Planning and Infrastructure subject to additional conditions relating to the maximum height parameters on the outline application and a reduced timescale in respect of the outline elements, which would be delegated to officers, in conjunction with the legal advisor to agree with the applicant.

Motion to Defer the application to allow the applicant the opportunity to provide the evidence that had been outlined in the withdrawn motion to refuse (Motion)	
Councillor Nigel Smith	Against
Councillor Dave Bigby	For
Councillor Alexander Bridgen	Abstain
Councillor Rachel Canny	Against
Councillor David Everitt	For
Councillor Stuart Gillard	Against
Councillor Dan Harrison	For
Councillor Jim Hoults	Against
Councillor John Legrys	For
Councillor Michael Wyatt	For
Councillor John Bridges	Against
Councillor Nigel Smith	Against (Casting Vote)
Rejected	
Motion to permit the application in accordance with the officer recommendation subject to additional conditions relating to the maximum height parameters on the outline application and a reduced timescale in respect of the outline elements, which would be delegated to officers, in conjunction with the legal advisor to agree with the applicant (Motion)	
Councillor Nigel Smith	For
Councillor Dave Bigby	Against
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Stuart Gillard	For
Councillor Dan Harrison	Against
Councillor Jim Hoults	For
Councillor John Legrys	Against
Councillor Michael Wyatt	Against
Councillor John Bridges	For
Carried	

The meeting commenced at 6.04 pm

The Chairman closed the meeting at 7.51 pm

Chairman's initials