

COUNCIL – 17 NOVEMBER 2020

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR M B WYATT TO COUNCILLOR A WOODMAN

“Since early 2020 I have been supplying the Council’s planning enforcement team with information concerning unauthorised and illegal use of land off Baker Street in Coalville.

The recorded incidents are for dumping of waste, a wheel wash, a lorry park as advertised on the A511, removal, burial and disposal of contaminated soil along with daily burning of plastic and other toxic items.

I would also point out that it was reported and confirmed by officers who visited the site that there was someone living on the site in a caravan, which to date is continuing to do so.

It is now November, and still complaints are being received concerning this site. Can I ask for a full and detail explanation to why action as not yet been taken concerning a number of issues which I have set out. Also can I ask if you agree with your officers comments which were sent to me, that one of the reasons why action was not being taken to address the illegal activity at the site is because the council are awaiting a possible planning application for this site, which in my opinion, is absolutely ridiculous and should never be an excuse to why illegal action is not acted upon.”

REPONSE FROM COUNCILLOR A WOODMAN TO COUNCILLOR M B WYATT

“The Planning Enforcement Team was first made aware of the potential breaches of planning legislation by Cllr Wyatt on 17th February 2020, and an enforcement case was duly opened.

A site visit was conducted on 5th March 2020, the outcome of which was that the activities should either cease or retrospective applications should be submitted for each use.

On the 10th March 2020 Cllr Wyatt was informed that the other activities alleged to be taking place fell under the jurisdiction of the Environment Agency and were not a matter for the district council. The other matters raised concerned the importation of waste and the removal and disposal of contaminated soil on the site. These were reported on the same day to the Environment Agency.

A further site visit was conducted on 26th May 2020 to establish the current activities and officers were able to confirm that in addition to the earlier reported activities there was a fleet vehicle washing business operating from the site. The outcome was that the owner of the business was instructed by officers to submit retrospective planning applications for the additional business uses.

A reasonable period of time was given to allow the owner to submit a planning application. Since a reasonable time had elapsed and no application had been received, a further site visit was conducted on 5th November 2020. The visit confirmed that the lorry/wheel washing/fleet cleaning business and the lorry park business had both ceased and left site. The alleged unauthorised occupation of the caravan relates to a static caravan which investigations have concluded. Its purpose is to provide 24 hour security for the site. The individual that occupies the caravan is employed as a security guard for the site and therefore the siting of the caravan is considered ancillary to the established factory/warehouse use at the site and therefore no breach of planning control exists.

The planning enforcement case has now been closed since the site complies with that of storage/warehouse and no breach of planning control exists.

In relation to the point regarding action not being taken due to a proposed new application being submitted for the re-development of the area as a whole. I can confirm that this case has been investigated in line with the councils Planning Enforcement Policy and government guidance which provides for a graduated approach. Careful consideration needs to be given to each planning enforcement case and each case balanced on its own merits, consideration needs to be given with regards to expediency, public interest, negotiation, proportionality and that both the council and developer have acted reasonably.

In this case although an application was not received, when the compliance check was made all activities had ceased. If they had not ceased then more formal action would have been considered.”