

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 5 July 2022

Present: Councillor R L Morris (Chairman)

Councillors R Boam, J Bridges, D Everitt, D Harrison, J Hoult, J Legrys, J G Simmons and S Sheahan (Substitute for Councillor D Bigby)

In Attendance: Councillors R Johnson, K Merrie MBE and R Canny

Officers: Mr C Elston, Mrs C Hammond, Mr S Smith, Ms S Booth, Mr J Knightley, Mr J Arnold and Mr C Colvin

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Bigby and M Wyatt.

### **2. DECLARATION OF INTERESTS**

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

Councillor D Harrison declared a registerable interest in item A1, application number 20/01662/REMM, as the ward member.

Councillor J Hoult declared a registerable interest in item A1, application number 20/01662/REMM as the chairman of the Planning Committee at Ashby Town Council, who had previously considered the application, but that he had come to the meeting with an open mind

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.

Councillor R Morris advised that he and all the members of the Planning Committee had received two emails from Chave Planning in relation to item A1, application number 20/01662/REMM, but that all members of the committee had come to the meeting with an open mind.

Item A1, application number 20/01662/REMM

Councillor J Legrys

### **3. MINUTES**

Consideration was given to the minutes of the meeting held on 4 May 2022

It was moved by Councillor J Legrys, seconded by Councillor J Hoult and

RESOLVED THAT:

The minutes of the meeting held on 4 May 2022 be approved and signed by the Chairman as a correct record.

Chairman's initials

#### 4. **PLANNING ENFORCEMENT UPDATE Q4 2021/22**

The Senior Planning Enforcement Officer presented the report to members.

In response to a question from a member, the Head of Planning and Infrastructure advised the committee, that due to unforeseen circumstances, the briefing for members on the Planning Enforcement Team and its work had been cancelled but advised that there was currently a vacancy within the team for a principal enforcement officer and that the work was being picked up by agency staff. He also noted that any decision on whether or not a case needed to be considered by the courts, would be taken by himself in consultation with the enforcement team and the Council's Planning solicitor.

A member noted that it was helpful to have the quarterly reports as it was useful for members to see the types of cases that were being dealt with.

In relation to a request from a member, officers outlined how members of the public could report a planning breach and the process that was followed to deal with the report. It was noted that depending on the seriousness of the breach would depend on how soon action was taken within the 21 days.

It was moved by Councillor J Legrys, seconded by Councillor S Sheahan and

RESOLVED THAT:

The Planning Enforcement Update Q4 be noted.

#### 5. **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.

#### 6. **A1**

##### **20/01662/REMM: ERECTION OF 605 DWELLINGS, CONSTRUCTION OF CAR PARK AND INTERNAL ACCESS ROADS AND FORMATION OF PUBLIC OPEN SPACES (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF. 15/00512/OUTM)**

Money Hill Site North Of Nottingham Road And South Of A511 Ashby De La Zouch  
Leicestershire

##### **Officer's Recommendation: Permit**

Having declared a pecuniary interest in the item, Councillor D Harrison stepped away from the committee and took a seat in the public gallery.

The Principal Planning Officer presented the report to members.

Ms L Kirk, objector, addressed the committee asking why developers did not put solar panels on the roofs to be more eco-friendly.

Ms C Chave, agent, addressed the committee highlighting that the developers had already made considerable commitment to the development including work to the access roundabout on the A511 and that the granting of the application before the committee would allow them to ensure that work stayed on track to enable the first homes to be ready in earlier 2023. This in turn would then trigger the delivery of community facilities through the S106. It was highlighted that there were no technical objections and that the only concern outstanding from the Town Council was the off-street public right of way connection to North Street, which was not a material consideration for the committee.

Members were advised that funds would be brought forward earlier to allow LCC to kick start the enhanced connectivity project.

Councillor D Harrison, ward member, addressed the committee expressing his deep concern over the lack of connectivity from the car park on the development through to the town, which would have benefited the town through the green eco element. He hoped that NWLDC would work with LCC to ensure that the route to the town centre was brought forward. He highlighted that the traffic was significantly increasing along Nottingham Road and that the route that was in place was not safe to take young children along, urging the developer to take the need of suitable connectivity to town away to be considered again.

Councillor D Harrison then left the meeting and took no part in the debate and voting thereon.

In determining the application some members expressed concerns over the connectivity of the site to the town, as when considering the original application, promises were made that it would be done correctly, and the plans before them did not meet the expectations of the Town Council or residents. It was requested that a new surface was considered to ensure that it was in a safe state for users to walk along. Concerns were also raised over the maintenance of the bus gates and the highways in the estate, along with the management and enforcement of the recycling points.

Members had regard to the fact the Head of Planning and Infrastructure had been in contact with an Assistant Director of Highways to impress on them the importance of seeking a positive outcome to the connectivity concerns but noted that the consideration of the footpath was not a material consideration for the application before them. It was noted that the condition in the report was in relation to the connections within the site, the bus gates and recycling points would be managed and maintained by a management company, and it was proposed that the main roads through the site would be adopted and then some edge lanes that would fall under a management company but would have public access.

The recommendation to permit the application in accordance with the officer's recommendation was moved by Councillor J Houtt 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:

The application be permitted in accordance with the recommendations of the Head of Planning and Infrastructure.

<b>Motion to permit the application in accordance with the officer's recommendation (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Houtt	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
Councillor Sean Sheahan	For
<b>Carried</b>	

Councillor D Harrison returned to the meeting.

Chairman's initials

7. **A2**  
**21/00438/OUT: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO THREE DWELLINGS (OUTLINE - DETAILS OF ACCESS AND LAYOUT FOR APPROVAL)**

49 Chapel Street Oakthorpe Swadlincote Derby DE12 7QT

**Officer's Recommendation: Permit**

The Senior Planning Officer presented the report to members and noted the change to the recommendation detailed in the update sheet.

Mr J Henderson, agent, addressed the committee highlighting that the application was within the Limits to Development and that throughout the process the agents had worked proactively with the Council to resolve any concerns. It was noted that the application would not have a detrimental impact on the community, that the Local Highway Authority had no objections to the application and that the Lead Local Flood Authority were also satisfied with the application following the submission of the flood risk assessment. He urged the committee to support the application.

In determining the application, a member expressed concerns over flooding and outlined previous flooding issues. He noted that the LLFA had stated that the development would not make the situation worse, but it would, should the conditions not be written correctly. He suggested that the conditions 11 and 12 be written using the exact wording of the LLFA consultation response and sought assurance that the conditions would be strictly enforced. It was also requested that the Head of Planning and Infrastructure write to LCC asking them to give the highest priority to their planned flood alleviation scheme in the area.

The recommendation to permit the application in accordance with the officer's recommendation as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan in relation to requesting that LCC gave the area the highest priority in their planned flood alleviation scheme, was moved by Councillor J Legrys and seconded by Councillor J Hoult.

The Chairman 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 recommendations of the Head of Planning and Infrastructure as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan in relation to requesting that LCC gave the area the highest priority in their planned flood alleviation scheme.

<b>Motion to permit the application in accordance with the officer's recommendation as amended in the update sheet and subject to the wording of conditions 11 and 12, and subject to the comments made by Councillor Sheahan (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hoult	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
Councillor Sean Sheahan	For

Chairman's initials

**Carried**

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.10 pm