

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 1 November 2022

Present: Councillor R L Morris (Chairman)

Councillors R Boam, D Bigby, J Bridges, D Everitt, D Harrison, J Hoult, J Legrys and J G Simmons

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

Officers: Mr C Elston, Mr D Jones, Mrs C Hammond, Ms D Wood, Mr J Arnold, Ms J Wallis and Miss S Hoffman

## **26. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor M Wyatt.

## **27. DECLARATION OF INTERESTS**

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

Councillor R Morris declared a registerable interest in Item A1 "22/00691/REMM: Erection of a road related storage, maintenance and management facility and associated site works (reserved matters to outline planning permission ref. 17/01081/OUTM) (revised scheme)" having received several emails with regard to this matter, which it was confirmed had been sent to all members of the committee.

Councillor D Harrison declared a registerable interest in Item A1 as the ward councillor and sought advice on how best to proceed. It was agreed that Councillor D Harrison leave the room during discussion of this item.

Councillor D Bigby declared a registerable interest in Item A1 as a member of Ashby Town Council's Planning Committee but had come to the meeting with an open mind.

Councillor J Hoult declared a registerable interest in Item A1 and also Item A3 "22/01288/FUL: Erection of detached garage (retrospective)" as a member of Ashby Town Council Planning Committee.

Councillor J Legrys declared a registerable interest in Item A1 as he had been lobbied by the developer.

## **28. MINUTES**

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

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

RESOLVED THAT:

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

## **29. PLANNING ENFORCEMENT UPDATE Q2 2022/23**

The Planning and Development Team Manager presented the report, giving members an update on the performance of the team for the second period of the financial year. On average the report showed the number of new cases remained pretty similar at the same

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point last year. It was confirmed that the majority of the investigations carried out by the team continued to be unauthorised works at dwelling houses. Non compliance with planning permission was also noted as one of the main issues which the team had been called upon to deal with.

Officers wished to draw members' attention to issues within the team, currently only having two permanent enforcement officers as opposed to three. It was noted issues may take longer to investigate due to staffing numbers, however it was noted that work is being carried out to recruit more staff although there is a shortage of enforcement staff across the county, so this could potentially be a lengthy process.

Member questions were invited, and a member asked why there were difficulties in recruiting and retaining staff. Officers advised that there were generally less people seeking to become enforcement officers and that the role of planner seemed to be more popular. It was noted that salaries did have an impact but that this was also a countrywide problem.

Another member wished to thank officers for a useful report and for the team's prompt response and regular updates when contacted with any planning issues.

It was asked if there had been a reason that an increase in breach of planning conditions had occurred and officers responded that was cyclical in nature. Officers noted that the authority had no control over what members of the public do and that there had been no discernible apparent reason for the increase in numbers.

Councillor D Bigby enquired whether it would be possible to know if these breaches had been by individuals undertaking a small extension or if had it been large developers taking advantage of the lack of enforcement staff and deliberately not complying. Officers responded that members of the public do not regularly break their conditions intentionally and tend to do so in error, whereby it would be a distinct possibility that some of the larger developers had been actively ignoring some of the conditions which had been imposed. It was confirmed that officers were aware of and pursuing such cases.

A member disagreed that this would be likely as larger developers are involved with insurance companies and bound by regulations which require them to comply with planning conditions.

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

RESOLVED THAT:

The information contained within the report be noted

### **30. PLANNING APPLICATIONS AND OTHER MATTERS**

Consideration was given to the report of the Head of Planning and Infrastructure.

- 31. A1**  
**22/00691/REMM: ERECTION OF A ROAD RELATED STORAGE, MAINTENANCE AND MANAGEMENT FACILITY AND ASSOCIATED SITE WORKS (RESERVED MATTERS TO OUTLINE PLANNING PERMISSION REF. 17/01081/OUTM) (REVISED SCHEME)**  
 Flagstaff Island Lountside Ashby De La Zouch Leicestershire LE65 1JP  
**Officer's Recommendation: Permit**

Councillor D Harrison removed himself from the meeting prior to discussion of this item.

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Officers outlined the application, including the amendments which had been made to the scheme. It was confirmed that the plans were recommended for approval subject to conditions.

It was noted that during the committee briefing, questions had been raised which officers wished to clarify. Firstly, was a question which pertained to the gap on the western elevation; it was confirmed that this would measure 12.13 metres. A further question related to the ownership of the road. It had been confirmed by the Land Registry that it belonged to Euro Garages Ltd, who own the site.

Mr Page, objector, stated that he was a representative of Whitbread Plc, owner of the Premier Inn Hotel. He raised concerns that should the application be permitted, a gas main would be redirected towards the Premier Inn Hotel, and would be located within a few metres of the nearest bedroom. He also raised concerns with regard to access for construction and maintenance. The potential for the derogatory effect on customers of noise and the reduction of lighting was raised, and asserted that although this was considered at the outline stage, no technical assessments were submitted at that time.

The 24 hour access of HGVs to the site was also outlined as a concern to Whitbread Plc, given the proximity of the flow of traffic to the hotel bedrooms and seating areas. A concern was raised surrounding the potential for harm to the River Mease and Mr Page asked the decision be deferred until such a time that the applicant would be able to submit the technical information which Whitbread felt was lacking.

Mr Gray, agent for the applicant, was invited to make his representation, and noted that outline planning permission approved the principle of the site. The reserve matters being access, appearance, layout and landscaping. It was noted that the height of the buildings had been reduced from what they had been in the original application, the siting of the building would be reorientated and the service yard would be reduced, in addition to significantly improved landscaping proposals.

Mr Gray highlighted the significant planting which would be carried out and emphasised that this would exceed the footprint of the proposed building.

Officers clarified that National Grid had been consulted in relation to the diversion of the gas main and had chased them for a response, however National Grid had not provided a response to date and therefore the planning application had to be considered on its merits whilst this information remained outstanding. Officers confirmed what the reserve matters would be and stated that other issues which Mr Gray had raised were not viable for consideration at this stage.

Councillor Harrison, Ward Member, commented that he had used the appeal document in order to structure his representation, particularly in relation to design associated with development in the countryside. It was asserted that given the limited gap between the land and the road it would not be possible to introduce meaningful landscapes to mitigate the impact of the proposed west elevation and therefore that the scheme would be out of keeping.

It was also stated that the development would be visually harmful conflicting with the surrounding area which conflicted with planning policies.

Councillor D Harrison informed the meeting that the site lies in the catchment area of the River Mease which is a site of special scientific interest therefore an assessment of whether the proposal would have significant effect on this area would be required.

The aspect of the vehicles and the landscaping were also raised as concerns, with an estimated 22 lorries per hour accessing the site. The potential of air pollution for those

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using the hotel and restaurant was raised, with concerns that lorries having their engines running could cause a serious problem. Councillor D Harrison issued a concern that there was an inadequate environmental impact report and a lack of evidence.

Following presentation of his representation, Councillor D Harrison left the Chamber while the item was discussed.

Officers responded that the appeal decision was quite specific and in terms of landscaping and design, officers were satisfied that amendments to the application had been significant enough to overcome the initial objections of the planning inspector. In terms of pollution and traffic, officers noted that the site had previously been granted outline permission as a roadside service area which would have been considered at an earlier stage and was therefore not appropriate for reserve matters.

Officers informed the meeting that in respect of the River Mease, the planning inspector was looking only at the specific reserve matters issues however the River Mease issues were resolved as part of the outline. In terms of an environmental impact assessment for this scheme, officers confirmed that one had not been required under the regulations.

The Chair reminded the meeting that the committee had refused the original application in November 2021 and it had been taken to appeal and that the applicant had attempted to address the points raised from the original decision.

A member asked whether the issues which the inspector had raised had been addressed by the applicant within the appeal and it was confirmed that they had. Officers advised that should this item go back for a further appeal, it would be highly unlikely to be turned down as it is a very different scheme to which had already been submitted and featured extensive amendments.

A member noted that the applicants had addressed issues previously raised but raised concerns that by changing the design of the building they had introduced a new problem which had not been addressed, this being the significant reduction in the size of the service yard which may lead to a potential lack of parking. Officers responded, quoting the County Highways Authority's response in relation to this scheme and noted that at no time had they objected to this scheme and that it would be acceptable in highway safety terms.

Members questioned the amendments of the design, regarding the reduction in height and asked if there were any sight lines for these drawings. Officers responded that there were not, however they had the plans from the other phase which allowed measurement and comparison.

A member asked whether the topographical survey was relevant to this application and officers advised that this had been checked and confirmed that it was.

A member noted that the M42 was in similar proximity to the Premier Inn and restaurants to that which the site would be, should permission be granted. It was suggested that there is already a heavy flow of traffic in the vicinity.

A member raised concerns over the cladding, as it was out of context of the service area, that the yard was not big enough to accommodate vehicles randomly which in turn would lead to parking on the private road and that the size and mass of the building was over bearing.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor R Morris, seconded by Councillor R Boam.

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

The motion was LOST

A discussion was had and advice was given to the committee members on the voting procedure, as a decision on the application had to be made at the meeting.

A motion to defer the decision to allow the applicant to provide additional information including clear levels and sight lines and how it would affect the areas and, a proper analysis of a swept path for the service yard and the tracking programme that was used was moved by Councillor J Bridges and seconded by Councillor D Bigby.

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

RESOLVED THAT:

The application be deferred to allow the applicant to provide additional information including clear levels and sight lines and how it would affect the areas and, a proper analysis of a swept path for the service yard and the tracking programme that was used

<b>Motion to permit the application in accordance with the officer recommendations (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	Against
Councillor John Bridges	Against
Councillor David Everitt	Against
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hout	Abstain
Councillor John Legrys	Against
Councillor Jenny Simmons	For
<b>Rejected</b>	
<b>Motion to defer the application to allow officers to seek further information from the applicant (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hout	For
Councillor John Legrys	Against
Councillor Jenny Simmons	For
<b>Carried</b>	

**32. A2**  
**21/01615/FUL: CHANGE OF USE TO A SHOP (USE CLASS E) AND ASSOCIATED WORKS**

Former Castle Donington Library Delven Lane Castle Donington Derby DE74 2LJ

**Officer's Recommendation: Permit**

Councillor D Harrison was welcomed back to the meeting.

Officers presented the report, relating to retrospective planning permission for a change of use.

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Parish Councillor Rogers was invited to make a representation on behalf of Castle Donington Parish Council and confirmed that they did not support the application and were disappointed to see changes to the building, landscape and the removal of trees. It was asserted that local residents are disappointed that the shop would seemingly be a permanent fixture. The meeting was informed that the site is next to a nursing home and a veterinary practice and there had been occasions where customers, deliveries and staff had parked inconsiderately and caused traffic problems. It was suggested that a parking management plan would be beneficial and issues around litter and rubbish not being cleared away was also raised. The Parish Council stated that they would prefer a refusal to this application, however it was suggested that if permission were to be granted, then it would be beneficial to put a parking management plan and also a plan for the storage of waste and litter in place.

Councillor A C Saffell was invited to make his representation as ward member and cited the need for a convenience store nearer to the new housing, as opposed to allowing an additional store to be sited at this location. It was asserted that the available floor space was smaller than that of the proposed store. The roller shutter door was also raised as an issue, as this type of door is not allowed in the conservation area in which it is situated and several similar properties had had applications for this type of door declined. He asserted that should the committee permit the application then there would be areas which need addressing as a proviso to this permission.

The Chair referred members to the conditions outlined within the report and invited officer responses.

Officers informed the meeting that they were unable to take enforcement action against a premises which had a live planning application underway. Officers advised the meeting that the issue around retail floor space was based on an old document and a new retail survey had been commissioned which did suggest there was now a need in the area. In terms of staff and customer parking it was acknowledged that this was possibly due to inconsiderate parking as opposed to insufficient parking for the development. As such this would be a matter for the store owner or affected private land owners to address.

It was confirmed that a delivery management plan would be agreed with the applicant, in terms of times of and how often deliveries happen. With regards to litter management, officers agreed to suggest this as an additional planning condition.

With regards to the HSBC bank, the applicant offered the front part of the bank, however this building is no longer available for part of the sequential test.

Officers responded to concerns with regards to the roller shutter door by advising that the policy on shop fronts does allow 'see through' roller doors in conservation areas provided that they are see through, which the doors in question were and therefore they would be permissible. It was noted that the colour did not meet the criteria and therefore the authority would ask that these doors be changed to green in order to match the shop front, as part of the planning conditions. It was also noted that additional tree planting was part of the conditions.

It was noted that the advertisements on the building front were cluttered but members were advised that this would be dealt with by a case officer as a separate issue and that this was not for consideration by the committee.

Member questions were invited. A member noted his disappointment that the authority had not been contacted by the applicant prior to carrying out the alterations.

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Officers informed the meeting that the building in question was not a historical building and was on the edge of the residential area. A member suggested that the appearance of the building would be improved with sensitive landscaping and acknowledged the difficulty in reaching a decision in regards to this item.

A motion to permit the application in accordance with the officer's recommendation with, an additional condition relating to a litter management plan and the detail of the conditions be agreed in consultation with the ward member was moved by Councillor D Harrison 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 recommendation of the Head of Planning and Infrastructure, with an additional condition relating to a litter management plan and the detail of the conditions be agreed in consultation with the ward member.

<b>Motion to permit the application in accordance with the officer's recommendation (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	For
Councillor Jim Hoults	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
<b>Carried</b>	

**33. A3  
22/01288/FUL: ERECTION OF DETACHED GARAGE (RETROSPECTIVE)  
15 Money Hill Ashby De La Zouch Leicestershire LE65 1JA  
Officer's Recommendation: Permit**

It was noted that this item had been brought to committee due to the family relationship between the agent for the scheme and a serving officer of the council.

Councillor D Harrison left the room preceding discussion of this item.

Officers presented the application for a detached garage which had been partially constructed but required planning permission due to its height. The main issues with the development would be the impact on neighbours and on the character of the area. Officers considered that the impact would be limited given the revised plans and the application had been recommended for approval.

A member noted that the development was imposing and asked for clarification whether it would be reduced by 2 metres in length or merely moved back 2 metres and retain its current footprint. Officers responded that it would be reduced by 2 metres.

A motion to permit the application in accordance with the officer's recommendation was moved by Councillor J Hoults and seconded by Councillor J Simmons

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

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## 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 recommendation (Motion)</b>	
Councillor Ray Morris	For
Councillor Russell Boam	For
Councillor Dave Bigby	For
Councillor John Bridges	For
Councillor David Everitt	For
Councillor Dan Harrison	Conflict Of Interests
Councillor Jim Hout	For
Councillor John Legrys	For
Councillor Jenny Simmons	For
<b>Carried</b>	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.47 pm

Chairman's initials