

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 16 August 2023

Present: Councillor R Boam (Chair)

Councillors R L Morris, D Bigby, R Blunt (Substitute for Councillor N Smith), D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons and M B Wyatt (Substitute for Councillor M Burke)

In Attendance: Councillors

Officers: Mr C Elston, Mrs H Exley, Mr S James, Mr J Knightley, Mr C Unwin-Williams and Mrs R Wallace

16. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Canny, M Burke and N Smith.

17. DECLARATION OF INTERESTS

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

Councillor D Bigby declared a registerable interest in item A3 – application number 22/01177/FUL as he was speaking on the application as Ward Member. During the consideration of this application Councillor T Eynon would join the committee as a substitute for Councillor D Bigby.

Cllr Wyatt declared a registerable interest in A3 - application number 22/01177/FUL as he was a landlord of a public house. He would leave the meeting during the discussion and voting thereon.

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 22/01177/FUL: Councillors D Bigby, R Boam, J Legrys, R Morris, C Sewell and J Simmons.

18. MINUTES

Consideration was given to the minutes of the meeting held on 20 July 2023.

It was moved by Councillor R Morris, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 20 July 2023 be approved and signed by the Chairman as a correct record.

19. 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.

Chairman's initials

20. 23/00012/REMM: ERECTION OF 80 DWELLINGS INCLUDING TEMPORARY CONSTRUCTION ACCESS, PARKING, PEDESTRIAN LINKS AND OPEN SPACE TO PARCEL E (RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO OUTLINE PLANNING PERMISSION REF. 13/00956/OUTM)

Land adjacent to Grange Road, Hugglescote, Coalville, Leicestershire

Officer's recommendation: Permit subject to conditions

The Principal Planning Officer presented the report to Members.

Ms D French, objector addressed the Committee. It was felt that the proposals would cause a significant highways impact which would increase traffic, noise, and air pollution and therefore traffic calming measures would be essential, which should be completed as soon as possible. Reference was made to the Masterplan which encouraged pedestrian routes of travel and it was felt the proposal would be dangerous for anyone travelling out of the site other than in a car. Concerns regarding amenities and infrastructure were also shared. A request was made to reposition the proposed pedestrian crossing to enhance visibility and safety for its users.

Ms E Overton, agent, addressed the Committee. It was confirmed that the applicant had worked closely with Planning Officers in developing the scheme and reminded Members that no objections had been received from the Highway Authority or Environmental Protection which confirmed there would be no adverse impact on neighbours in the adjoining development. It was also noted that the application conformed to the outline permission already granted.

Councillor R Johnson, Ward Member, addressed the Committee. He expressed concerns in relation to pedestrian access to the railway line, healthy trees already removed during nesting season, removal of the offer of a pedestrian puffin crossing on a very busy road, and the lack of completion of phase one of the development, cycle paths and footways. He also had concerns with the proposed access from a busy road on which cars often travelled above the speed limit, adding this to the inability cross the road safely, he felt it was 'an accident waiting to happen'.

The Principal Planning Officer noted the majority highway concerns raised but reminded Members that as the Highway Authority had raised no objections, it would be difficult to refuse on these grounds.

Following a question on process from a Member, the Head of Planning and Infrastructure explained that should the Committee refuse the application on highway grounds, the applicant would have a right of appeal and without sufficient evidence that the access was dangerous it would be difficult for the Council to defend the appeal.

In determining the application Members acknowledged the local highway concerns and expressed their own concerns as several of the Councillors knew the area well. Debate was had on the possible conditions that could be imposed in relation to the pedestrian crossing but following advice from officers it was clear it was not an option as the Highway Authority were unlikely to sanction this. Reference was also made to several policies from the Masterplan and other options available to access the site, officers advised Members to bear in mind the overall balance of material reasons when considering their decision.

Following a lengthy discussion on traffic concerns and options available for Members due to the professional advice already received from the Highway Authority, a Member suggested that the application be deferred so that the Highway Authority could be asked to reconsider its position on the need for a Road Safety Audit to be undertaken on the proposed access road prior to determination of the reserved matters application, and on

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the suitability of a puffin crossing being installed in this location. This was moved by Councillor R Morris and seconded by Councillor R Blunt.

Prior to the vote being taken, advice was sought that should the application be deferred, would Members be restricted on what they could discuss when the application came back to the Committee. The Legal Advisor confirmed that it would be a full debate by Members.

The Chair 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 a Highway Road Safety Audit to be undertaken and to reassess the need for a puffin crossing in relation to the proposed access to the site.

Motion to defer the application (Motion)	
Councillor Russell Boam	Against
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	For
Councillor David Everitt	For
Councillor John Legrys	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Carried	

21. 22/00427/VCU: VARIATION OF CONDITIONS 2 AND 11 AND REMOVAL OF CONDITION 12 OF PLANNING PERMISSION 20/01887/FUL TO ALLOW AMENDMENTS TO THE APPROVED DRAWINGS AND REVISED BIRD NESTING PROVISION WITHIN THE DEVELOPMENT

6 West End, Long Whatton, Loughborough, Leicestershire, LE12 5DW

Officer's recommendation: Permit subject to conditions

The Senior Planning Officer presented the report to Members.

There were no registered speakers for the application.

In determining the application, a Member shared concerns with the increase of traffic and suitability of the access to the site, however it was acknowledged that the application was effectively a retrospective one and it was regrettable that Members weren't alerted to all the changes to the design.

The officer's recommendation was moved by Councillor R Blunt, seconded by Councillor R Morris.

The Chair 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.

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Motion to permit the application in accordance with the officer's recommendations (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Dave Bigby	For
Councillor Richard Blunt	For
Councillor David Everitt	For
Councillor John Legrys	Against
Councillor Peter Moulton	For
Councillor Carol Sewell	Abstain
Councillor Jenny Simmons	For
Councillor Michael Wyatt	For
Carried	

22. 22/01177/FUL: CHANGE OF USE OF GARDEN LAND (CLASS C3) TO BEER GARDEN (SUI GENERIS) AND ASSOCIATED WORKS (INCLUDING NEW FENCING AND SEATING)

Railway Tavern, 5 Tamworth Road, Ashby de la Zouch, Leicestershire, LE65 2PW

Officer's recommendation: Permit subject to conditions

Having declared an interest in the item, Councillor M Wyatt left the meeting at this point and did not return.

Having declared an interest in the item, Councillor D Bigby removed himself from the Committee to join the public gallery prior to being invited to speak as Ward Member. Councillor T Eynon joined the Committee as his substitute and had no interests to declare.

The Senior Planning Officer presented the report to Members.

Mr L Henson, objector, addressed the Committee. He informed Members that the neighbours whose gardens immediately surround the site, enjoyed the tranquil area which was a hive of activity for wildlife. Concerns were raised that this would be ruined by the proposals. It was stated that the public house stopped using the current outside space when the noise survey was being undertaken and therefore the results were not reliable. The lack of engagement between the residents and the landlord was raised and some concerns were had in relation to the intention to remove hedgerows. Further concerns were raised in relation to light pollution, lack of control over usage numbers and noise, lack of adequate fire escape and increase in vehicles to the site. Members were urged to refuse the application.

Mr K Buckby, supporter, addressed the Committee. It was confirmed that the applicant had worked closely with Planning Officers in developing the application and reminded Members that no objections had been received from the Highway Authority or Environmental Protection. It was confirmed that there was no intention for outside music, screens or serving of food and Members were reminded of the proposed acoustic fence to block noise. It was also reported that lighting level would be low and turned off when the outside space would be closed. The proposals were intended for a more comfortable experience for customers and there had been no objections from regular users of the premises. Members were urged to permit the application.

Councillor D Bigby, Ward Member, addressed the Committee. Members were reminded of Planning Policy D2 in relation to amenity impact and it was suggested that the application be rejected for this reason. Concerns were raised regarding the acoustic report, which was commissioned by the applicant and therefore he felt was likely to reflect their needs, as the results did not replicate the usual noise from a public house garden.

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He was disappointed that the acoustic fence, which was originally proposed as a height of 2.4m had been reduced to 1.8m, this would mean that people could easily look over this fence into neighbours' gardens.

Officers reminded Members that there were no objections from the Environmental Protection Team due to the measures proposed by the applicant to reduce noise levels. It was also noted that there was more than one scenario tested in the acoustic survey (including hypothetical maximum and unlikely worst case scenarios) and that the noise survey submitted by the applicant confirmed there was no acoustic requirement for proposed fencing to be higher than 1.8m. Additionally, whilst amended plans had been received to reduce the height of acoustic fencing following comments from Environmental Protection, fencing was also added to an additional boundary (western boundary). Environmental Protection raised no objections to the updated boundary treatments. Advice was also given on the use of Policy D2 as a reason for refusal.

In determining the application, Members raised their own concerns regarding the inevitable noise that would be generated from the use of the garden space and the impact it would have on the neighbours. Other concerns were also raised regarding the ability to easily look over the proposed 1.8m acoustic fence. Following a full discussion, it was proposed that officer's recommendations be approved with the additional conditions that the acoustic fence be increased to a height of 2m and additional landscaping be used to assist with the noise reduction. It was moved by Councillor R Morris and seconded by Councillor T Eynon.

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

RESOLVED THAT:

The officer's recommendation be approved with additional conditions in relation to the height of the acoustic fence to be increased to 2m and additional landscaping to assist with noise reduction.

Motion to permit the application in accordance with the officer's recommendation with additional conditions in relation to acoustic fencing and landscaping (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Richard Blunt	For
Councillor David Everitt	Against
Councillor Dr Terri Eynon	For
Councillor John Legrys	Against
Councillor Peter Mout	Abstain
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Carried	

Councillor M Wyatt left the meeting at 7.04pm

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.45 pm