



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

2 July 2014

PRESENT:

PM Chandler (Chair), J Simpson (Vice Chair), P Baguley,  
G Botterill, G Bush, A Freer-Jones, E Holmes,  
J Illingworth

Solicitor to the Council (VW), Head of Regulatory Services (JWo)  
Applications and Advice Manager (JW), Administrative Assistants (SC and AS)

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D16. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Sheldon and Cllr Cumbers

D17. DECLARATIONS OF INTEREST

None

D18. MINUTES

The Minutes of the meeting held on the 29 May 2014

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Holmes. The Committee voted in agreement. It was unanimously agreed that the Chair sign the Minutes as a true record.

D19. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00133/FUL  
**Applicant:** Lidl UK Ltd  
**Location:** Crown House 50-52 Scalford Road Melton Mowbray  
**Proposal:** Demolition of existing buildings and erection of open A1 Lidl Foodstore with associate access, servicing and car park arrangements

(a) The Head of Regulatory Services stated that:

- Proposed discount supermarket at Crown House, at the bottom of Scalford Rd, 1800 m<sup>2</sup> of which 1200 m<sup>2</sup> is retail floor space.
- The key issues on the principal of the development are considered to be:
  - The sequential test – are there sites closer to the town centre available for the development, this to include a site which already has permission
  - The impact on the vitality and viability of the Town Centre
  - Employment and economic development

There are also a series of detailed issues – traffic impact, impact on protected trees, design and layout, parking etc.

On the former, a detailed sequential test has been carried out and the results of this are set out on pages 10 -13. Most sites are readily discounted because of their size or unavailability, but the site at Burton Street poses an interesting alternative. This site has permission for a similar size and type of supermarket but has not been developed since it was acquired in 2010. Clearly the proposal is in direct competition with the Burton Street site. Our assessment of this is that there is little to choose between the sites (neither are properly 'town centre sites' etc.) and that there are at least some doubts as to whether the Burton St site is suitable – evidenced by the Applicant's comments and the very fact it hasn't been developed. Crucially, it is considered that there would be very limited harm resulting should the Burton Street site fail to be developed.

On the second, pages 14 and 15. However, we have received a late representation explaining that the proposals underestimate the trade draw the proposal would have upon Morrisons in Sherrard Street in particular. For commercial reasons Morrisons cannot provide turnover figures, but they reiterate that the Melton store is trading significantly below the company benchmark and the impact of Lidl is likely to be significant. This is relevant to us not because we are concerned with competition between supermarkets, but because of the impact on the town centre in terms of vitality, to which Morrisons makes a contribution directly by both its presence in the Town Centre and 'linked trips'.

The objection considers that the turnover figures which Lidl have provided are unrealistically low and, therefore, underestimate the likely impact of the proposed store. The example they refer to is an Aldi store. Lidl note that it is recognised (Mintel Retail Ranking data – Aldi £8,261 per sqm; Lidl £3,960 per sqm) that Aldi have a higher turnover than Lidl and that the figure they have used is a company average and that the impact is proportionately lower.

The objection has not set out how significant the impact will be but clearly the Scalford Road proposal will draw trade away from several sources, not just

Morrisons, including attracting people back to the town that currently go elsewhere to shop at discount stores. This distributes the impact across existing retailers, reducing the impact on each of them individually.

Morrisons have refused to provide their turnover figures in order to quantify their assertion, but they have been identified in previous retail studies. Based on these, it is understood they will be at around £25 million, which means the impact of the proposal will be between 12% (worst case) and 3%.

It is our view that these levels are insufficient to affect the overall vitality of the Town Centre (see comment that “Due to the size.....town as a whole” – page 15 of report). Additionally, the Scalford Road site itself is close and relatively well linked to the Town Centre so it should not be assumed that anyone changing their shopping habits will be necessarily lost from the Town Centre. In addition, its draw from other locations will ATTRACT people to the Town Centre that do not currently shop there (e.g. from the Thorpe Rd supermarket and from other towns), so such effects are substantially counter balanced.

The late representation considers that the LPA does not have sufficient information and that the application should be deferred or refused. It is our view that Morrisons’ claims are unproven and that there are no good reasons to either defer determining or refuse the application.

(b) Mr Robert Beaumont, on behalf of the Applicant, was invited to speak and stated that:

- The site was easily accessible
- No objections had been received from Leicestershire County Council subject to the Section 106 requirements
- No objections had been received from English Heritage
- The proposals included landscaping which would enhance the appearance of the area
- With the exception of Morrisons, no other objections had been received from Shopkeepers in the Town Centre or the Town Centre Mangers
- The application had received a lot of support from local people
- Currently people living in Melton have to travel to reach a discount supermarket
- The proposal would create employment
- The proposal would develop a brownfield site
- The funds to commence work are in place and the expected start date was August 2014 with an opening date sometime in spring 2015

Cllr Holmes asked if the landscaping proposals included the planting of trees to replace those which had been removed. Mr Beaumont commented that a detailed landscaping scheme still needed to be developed and would need to be submitted for approval. However, the consultation responses received indicated that people

would prefer grass around the existing trees, rather than more trees.

Cllr Simpson agreed with The Head of Regulatory Service's summing up of the objection received from Morrisons and shopped at both Morrisons and Lidl and would continue to do so. Cllr Simpson had one reservation, the South of Melton was wanting in terms of supermarkets and it would have been preferable if a location could have been found in the South. Other than that Cllr Simpson was supportive of the proposal.

**Cllr Bush proposed approval of the application** commenting that a discount supermarket would be good for the town and would mean that local people no longer had to travel to use a discount store. The inclusion of a discount store would attract more people to shop in the town.

**The proposal to approve the application was seconded by Cllr Botterill**, Melton Mowbray was a low spend town and competition was welcomed. Local people were in favour of the proposal and Cllr Botterill hoped it would be successful.

Cllr Holmes disapproved that trees had been removed from the site by the previous owner and the poor design of this and supermarkets in general. The Cattle Market, situated across the road from the site, had improved the appearance of their site with bushes and trees etc. It would have been preferable to have a design which was of similar quality on the Lidl site. However, overall Cllr Holmes agreed that the application should be approved, but with the addition of a condition relating to landscaping.

The Chair asked for clarification regarding the condition. Cllr Holmes clarified that the condition should require the softening of the design/aspect. Cllr Holmes also questioned the need for a large sign.

The Head of Regulatory Services commented that these points were covered in condition 17. Officers would ensure that Cllr Holmes' comments were suggested to the Applicant.

Cllr Freer-Jones agreed that a site in the South of Melton was preferential and had reservations regarding the likely increase in traffic in the Town Centre. Cllr Freer-Jones clarified that her reservations did not relate to Lidl itself, just the location. There would be four supermarkets in close proximity and there was a risk that supermarkets would take over from small local shops and markets.

Cllr Simpson added that although a site to the South was preferential, the Burton Street site was unsuitable.

A vote was taken: 7 Councillors voted in favour of the application and 1 voted against the application.

**DETERMINATION: APPROVE, subject to:**  
**(a) completion of S106 Legal Agreement for:**

- Town Centre Promotional and Directional Signage
- Highways SCOOT scheme

(b) the conditions as set out in the report

For the following reasons:

The application proposes the erection of a food store with associated access, parking and landscaping. The location is considered to be acceptable in terms of applying the sequential approach and retail impact and accordingly meets the requirements of the NPPF. The impact upon highways is acceptable subject to conditions and legal agreement requests. The impact upon residential amenities has been assessed and considered acceptable. The proposal is easily accessible by public transport, walking and cycling and complies with the NPPF which states that preference should be given to accessible sites that are well connected to the town centre. The design of the building is in keeping with the surrounding area and would not be detrimental to the character of the area. The regeneration of the site is considered to improve the character of the area and the retention of the trees and the proposed landscaping will enhance the development. The application is therefore complies with National and Local Policy and is considered to be acceptable.

There are a number of areas of contention, principally whether the Burton Street site is sequentially preferable and whether the development of the application site would have a significant impact upon the delivery of that scheme. On balance, it is considered that the application site is more likely to deliver a discount food store than the Burton Street site and that any adverse impacts of the Burton St site not coming forward would be acceptable. This type of store would contribute to the overall range of convenience shopping in the town, with the benefits outweighing any adverse impacts, including harm arising from the reduced prospect of the future development of the Burton Street site.

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(2)   Reference:    14/00250/OUT  
       Applicant:    Mrs H Hazard  
       Location:     Field 5100, Coston Road, Sproxton  
       Proposal:     New 2 bedroom bungalow

a) The Applications and Advice Manager stated that:

This application seeks outline planning permission with all matters reserved for the erection of a single storey dwelling outside the village envelope for Sproxton.

Since publication of the report an ecology report has been submitted which shows the pond as being 'low' potential for Greater Crested Newts. Therefore the 2nd reason for refusal on the report is requested to be removed. However, Ecology have advised that if the application were to be approved that two conditions should be imposed in relation to fencing to prevent Greater Crested Newts from entering the site and a watching brief in respect of badgers.

The application has been submitted detailing that the proposed single storey property would be for the Applicant who currently lives at 30 Coston Road, opposite the site, to allow the son and family who manage the farm to occupy the farm dwelling. The dwelling has not been applied for as an agricultural workers dwelling nor has any supporting information been submitted to justify the dwelling as an exception site. The site is outside the village envelope and is considered to be contrary to Policy OS2 and C8 of the Local Plan. Sproxton is not considered to be a sustainable location to support new development and it is not considered that any supporting information has been submitted to justify an approval contrary to Policy.

Accordingly the proposal is recommended for refusal as stated in reason 1 of the report and it is requested that reason 2 be removed.

b) Mr Simon Hazard, on behalf of the Applicant, was invited to speak and stated that:

- Mr Hazard was the son of the Applicant. He had recently taken over management of the farm from his father who had passed away.
- The farmhouse on the site was too large for Mrs Hazard and her son's family were now living in the property.
- The farm was too much for Mrs Hazard to maintain alone. However, Mrs Hazard would like to stay in the village.
- Mr Hazard would like to live close to the family business to allow him to spend more time with his family.
- Mr Hazard highlighted that Policy OS2 had been written before the NPPF. As the more recent policy Mr Hazard urged Committee to give more weight to the NPPF.
- Should the proposal be approved it would reduce his car journeys to visit Mrs Hazard.
- Should Members approve the building of the bungalow Mrs Hazard would be able to stay in the village where she had resided for many years. Her social network would be retained and her son would be on hand to provide care.
- The proposal would add a two bed bungalow to local housing stock.
- Mr Hazard argued that the village of Sproxton was sustainable.

Cllr Simpson asked if the site had ever been within the village envelope. Mr Hazard confirmed that it had never been within the village envelope. However, there had previously been an additional house in the grounds of the property opposite.

The Chair queried why the application had not included an agricultural tie. Mr Hazard commented that they had no objection to it being bound to agricultural occupancy;

his Mother was still very much involved with the farm.

The Chair read a statement from Cllr Malise Graham, Ward Councillor for the area:

- Cllr Graham was in full support of the application.
- The family had farmed in the village for many years.
- The proposal would allow Mrs Hazard to stay in the village and allow her son to move there with his family.
- Cllr Graham had requested that the application be considered by Committee, not because it was controversial, but because he would like to see it approved.

The Applications and Advice Manager responded:

- The site did not sit next to the village.
- Policy OS2 of the Local Plan and the NPPF should be the starting point for decision making.
- Justification for the need to include an agricultural occupancy tie had not been included with the application. This could be requested but in this case the occupant would be a previous agricultural worker not a current one.

Cllr Botterill commented that Mrs Hazard was still involved in the family business and as a result he believed the later point to be invalid.

The Chair highlighted that this application was for an open market dwelling and not an agricultural occupancy building. Cllr Botterill asked the question if this application was to be refused could the Applicant submit a new application which included an agricultural occupancy tie. The Applications and Advice Manager confirmed that they could.

Cllr Botterill made the point that homes of this size were needed for families in the private sector. The Chair responded commenting that the point was that this site fell outside the village envelope. Therefore, to be within Policy the property would need an agricultural tie.

Cllr Simpson questioned why the application had been considered as an open market property when it was clear that Mrs Hazard would be the occupant. The Applications and Advice Manager clarified that information to say why the farm required someone to live on the site had not been submitted with the application. As a result functional need had not been proven. Due to the functional need not being proven the application was against Policy C8. If the applicant was to reapply the proposal could be reconsidered under Policy C8.

Cllr Simpson considered the Agents statement to provide the required information regarding Policy C8 and Mrs Hazard clearly fitted the description required. Additionally the reduction in car journeys would balance the environmental impact of approving the application.

Cllr Holmes agreed with Cllr Simpson. The Country Land Owners Association said the same as Policy C8 with regards to the description of a person who could live in a new build property on the site. There was nowhere else suitable in Sproxtton for Mrs Hazard to live. Mrs Hazard was definitely a part of the farm. **Cllr Holmes proposed that the application be permitted.**

**Cllr Baguley seconded the proposal to approve the application.** Farms were usually outside the village envelope and she would be pleased to see more young people looking after elderly relatives and taking over the running of farms. Building a bungalow for Mrs Hazard would allow her family to provide support.

Cllr Bush agreed with the previous comments and could not see any reason why the Applicant should not be close to her family.

Cllr Illingworth commented that common sense needed to be attached to this decision. However, he would abstain for consistency as in the past he had been against building outside the village envelope.

The Applications and Advice Manager asked for clarification as to whether the proposal to approve was dependant on a condition that the property needed to be for the use of agricultural workers only. However, the Solicitor to the Council highlighted that there was insufficient evidence to support such a condition in the application.

Cllr Homes was happy to continue to propose approval without an agricultural tie as she was confident that the farm would stay in the same family.

However, The Chair, Cllr Simpson and Cllr Botterill wanted to see an agricultural tie to justify why the decision went against Policy OS2.

The Applications and Advice Manager suggested that it would be appropriate to include a tie which did not use the full wording referred to earlier by Cllr Simpson.

The Proposer and Seconder both agreed to include such a tie.

Members were happy to delegate conditions regarding materials and landscaping and badgers and newts to Officers.

A vote was taken: 6 in favour, 1 against, 1 abstention from Cllr Illingworth

**DETERMINATION: Approve, subject to the following conditions:**

**1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**



**2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.**

**3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.**

**5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

**6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**7. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and manoeuvring facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

**8. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.**

**9. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.**

**10. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.**

**11. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, C with the exception of C.1. (c) (ii), D, E, with the exception of E.(b) or F shall be carried out unless planning permission has first been granted by the Local Planning Authority**

**12. The occupation of the dwelling shall be limited to an employee of the farm business being carried out at 30 Colston Lane, Sproxton or a widow, or widower of such a person.**

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**(3) Reference: 14/00354/VAC**  
**Applicant: Mr C Smith**  
**Location: Land Off Main Street, Main Street, Eaton**  
**Proposal: Removal of Condition 15 relating to Planning Approval 13/00293/EXT**

a) The Planning Officer stated that:

This application seeks to remove Condition 15 of the planning approval which requires the applicant to erect a barrier outside of the community playing fields opposite the site. The applicants have stated that they are not in control of the site and it could only proceed with the land owners consent and there is already a kissing gate at the entrance to the community fields controlling the exiting of people from the community fields and consider that the condition is no longer required.

There are no updates to report.

Advice received from the Highway Authority is that there is no highway/pedestrian safety justification for the condition and having considered the requirements of the NPPF it is not considered that the condition is reasonable or necessary. However, it should be noted that there have been no changes since the application was approved and the condition imposed.

The application is recommended for approval as set out in the report.

b) Mr Mike Sibthorpe on behalf of Mrs Kathy Skinner, on behalf of the Objectors, was invited to speak and stated that:

- The condition reflected a real and genuine safety concern regarding children crossing the road.
- The existing gate was not sufficient to achieve safety.
- Members had clearly taken the view that the condition was necessary when they approved the application.
- If the condition had not been included the application would have been refused.
- No change had occurred which justified removing the condition.
- The request to remove the condition had arisen due to a cost issue but safety should come first.

Cllr Simpson asked for clarification on what the Objectors wanted to see, a barrier in addition to the kissing gate? Mr Sibthorpe clarified that it was. The Chair commented that such a metal barrier would stop children from running into the road.

Cllr Illingworth added that a fixed barrier, which prevented immediate crossing of the road, would cause people to pause and think before crossing.

c) Craig Smith, the Applicant, was invited to speak and stated that:

- The condition was unnecessary and unreasonable for only four holiday lodges and was disproportionately onerous.
- A sufficient barrier already existed in the form of a kissing gate.
- Both accesses to the site already had controlled access.
- Highways had not objected to the removal of the condition.
- The Applicant had no control over the land where the barrier would be situated.

The Applications and Advice Manager informed Members that the application had progressed since approval and a number of conditions had been discharged. Access arrangements had been approved and included a gate proposed for access and a further pedestrian gate on the development site itself. Whether these measures were sufficient was for Members to decide.

The Chair enquired if the pedestrian gate was a kissing gate as other styles of gate could more easily be left open. The Applications and Advice Manager confirmed that the wording of the condition could be altered so as to require an onsite pedestrian kissing gate.

Cllr Baguley had in mind a barrier situated right up to the road to stop children running straight from the playing field across the road. However, this land was owned by the Highways Authority and not the Applicant.

Cllr Botterill, Ward Councillor for the area, disagreed with the removal of the condition. There had been a lot of concern from local residents. This was a fast road and the entrance to the nearby wood yard was not very visible due to vegetation. The point of the bend in the road was quite a blind spot. **Cllr Botterill proposed**

**refusal of the removal of the condition.**

**The proposal was seconded by Cllr Baguley** who requested the barrier be right up to the kerb.

Cllr Holmes agreed with the previous comments and was also concerned about the safety of young people.

Cllr Illingworth raised the issue that the Applicant did not own the land where the barrier was to be situated, should not the Highways Authority, as the land owners, pay for the barrier. The Chair clarified that because the barrier was part of the planning consent Highways would not pay for the installation.

Cllr Illingworth highlighted that Highways could refuse to install the barrier. The Head of Regulatory Services suggested the careful wording of the condition which would require that the development must wait until the barrier was in place. Rather than requiring the Applicant to install the barrier.

The Chair added that Highways were usually happy to install barriers near playing fields.

A vote was taken: 7 in favour, 1 against

**DETERMINATION: REFUSE for the following reason:**

**A control barrier at the pedestrian entrance to the community playing field to the north-west of the application site is necessary to restrict egress from that area on to the public highway in the interest of public safety of the users of the community playing field.**

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**(4) Reference: 14/00241/FUL**  
**Applicant: Mr & Mrs R Turner**  
**Location: Harston Lodge Grantham Road Croxton Kerrial**  
**Proposal: Erection of outbuilding for hobby purposes**

a) The Planning Officer stated that:

This application seeks planning permission for the erection of an outbuilding in the open countryside, to serve Harston Lodge, Grantham Road.

There are no updates to the report.

The application proposes a large outbuilding which is not considered to comply with Policy OS2 due to the size of the proposal. However, the building is considered to be sympathetic in design and in keeping with the collection of buildings it will adjoin.

Members are invited to consider whether the proposal would have an adverse impact on the open countryside and whether there is justification to depart from Policy OS2.

The application is recommended for approval as set out in the report.

**Cllr Botterill, Ward Councillor for the area, proposed approval** of the application. There had been lots of thefts in the area and the works were required to protect materials and vehicles etc. **Cllr Holmes seconded the proposal to approve.**

A vote was taken: 7 in favour, Cllr Freer-Jones voted against the proposal which was against Policy OS2.

**DETERMINATION: APPROVE, subject to the conditions set out in the report.**

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## **D20. PLANNING PERMISSION 12/00806/FUL: APPLICATION TO REMOVE THE AFFORDABLE HOUSING PROVISION**

The meeting was adjourned to 19:30 to allow time for Members to consider the report.

a) The Head of Regulatory Services was invited to speak and stated that:

- Proposal to remove the affordable housing element of the proposal that was entered into voluntarily in January.
- The application is supported by a viability assessment which has been independently reviewed. There is a degree of disagreement, but both confirm that the Affordable Housing renders the scheme unviable (the disagreement is about by how much).
- However, the omission of Affordable Housing undermines directly one of the reasons why the permission was originally granted and the Committee needs to decide whether it is still justified.
- One aspect of concern is that we have had no explanation as to what's changed – the agreement was made as recently as January and the market, if anything, has improved since then. We are struggling to understand how something acceptable in January, was not so by May (when this application was lodged).

Cllr Rhodes had asked The Head of Regulatory Services to convey his view in his capacity of Ward Member:

It is my understanding that the Applicants have been unable to find a Housing Association willing to take on two affordable units on this site. This makes it impossible for them to meet the first of the S106 obligations. However, as I said at the meeting when the application was determined, there is a real need in Harby for retirement bungalows for individuals and couples downsizing from family homes built in the 70s through to the 90s. In my experience a number of these family homes

have already been sold and the previous occupants, who were established in the village, have moved away to other settlements like Bingham where suitable homes are available. The effect of this migration is to lose an age group who could make a significant contribution to the life of the village in their retirement years.

In short, the laudable aim of providing affordable homes, which cannot be done on this site, amounts to aiming for the “excellent” and driving out the “good”. At a time when new homes are needed throughout the Borough this seems to me to be something the Council should not do. Therefore I urge you to lift the first obligation and allow 5 market bungalows to be built for local people.

b) Cllr Weston, on behalf of the Parish Council, was invited to speak and stated that:

- Speaking on behalf of Long Clawson, Hose & Harby Parish Council
- Market analysis identified the need for 7 affordable houses in the village. The need was still there.
- Cllr Weston requested that the requirement was removed to allow all 5 bungalows to be built.
- The Parish Council recognised that the site was outside the village envelope but this was a brownfield site.

The Chair asked for clarification regarding Cllr Weston’s use of the term ‘affordable housing’. Cllr Weston clarified that their view was that all the bungalows were affordable due to them being downsizing units. The Parish Council did not object to the removal of the affordable housing provision.

c) Mr Cheung, on behalf of the Applicant, was invited to speak and stated that:

- The description in the application was for the erection of 5 retirement bungalows.
- Bungalows were in short supply in Harby and the most popular house type amongst the elderly.
- The application would allow people to remain in the village.
- The Applicant was willing to make a negotiable monetary contribution towards affordable housing schemes within the Borough.

Cllr Freer-Jones asked why the Section 106 agreement had been signed if the Applicant now wanted to remove the provision. Mr Cheung replied that the agreement was draft and the application would not have been permitted if they had not signed it. Although they were requesting the removal of the affordable housing provision the proposal would still build houses for local people.

Cllr Simpson asked if the option of one affordable home had been considered. This had been proposed by the Applicant when the application last came before Members. However, they had struggled to find a registered Housing Association willing to take on only one or two units.

Cllr Botterill commented that it might be more appropriate to contribute to affordable housing provision in the Parish than to give funds to a Housing Association. Mr Cheung said he would need to discuss this with his client but he believed this could be done.

The Head of Regulatory Services added two points:

- Guidance from valuers had indicated the price range of the bungalows to be between £170,000 and £290,000.
- Had the Section 106 not been agreed to this would not necessarily have meant the application would have been refused. The application would have come back to Committee for Members to decide.

Cllr Baguley, Ward Councillor for the area, stated that she would like to see the condition lifted. The Village was in need of bungalows for older people. It had not been possible to find a Housing Association willing to take on the bungalows and it was not the role of the Planning Committee to prevent a profit being made. The bungalows would most likely be occupied by older people and affordable housing was more appropriate for younger people who were less likely to want to live in bungalows. **Cllr Baguley proposed approval of the request to accept the request to amend the s106 agreement as requested.**

The Chair asked about the system for allocating the bungalows to local people. The Head of Regulatory Services clarified that they would be marketed to people from Harby in the first instance before being widened out to the Parish and then the Borough, only then would they be available to buy on the open market.

**The proposal to approve the request was seconded by Cllr Botterill** who commented that this was a brownfield site outside the village envelope.

Cllr Illingworth commented that the price of the bungalows was relatively high. The Head of Regulatory Services clarified that the site would contain a mix of 2 and 3 bed properties.

Cllr Freer-Jones asked who monitored the hierarchy of sale. The Head of Regulatory Services clarified that Developers were required to provide the names and addresses of the purchasers to Melton Borough Council. The Solicitor of the Council added that the requirement was contained in the Section 106 agreement which was available to any conveyance.

Cllr Holmes shared an example of a development in North Kilworth of 10 affordable houses all purchased by local people. Conditions were attached to the properties which meant that they could not be extended and when sold the properties had to be sold back to members of the local community. Cllr Holmes asked if such measures might be appropriate in this case. The Head of Regulatory Services replied that this could not be done at this stage as the application had already been approved; the decision was only to refuse or allow the removal of the affordable housing requirement.

Cllr Illingworth asked if there was provision to state how long the bungalows were to be made available at each level of the sale hierarchy. The Head of Regulatory Services confirmed the period was for 6 months to members of the village and then to the Parish.

Cllr Simpson was happy to support the proposal to approve as was Cllr Bush who had one reservation that the cost of the bungalows appeared relatively high.

A vote was taken: 7 in favour, The Chair voted against and asked for her vote to be recorded.

**DETERMINATION: that the s106 agreement be amended to remove the obligation to provide affordable housing on the site.**

D21. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 7.57pm