

Minutes

Meeting name	Planning Committee
Date	Thursday, 5 May 2022
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors R. Browne P. Chandler
E. Holmes D. Pritchett
R. Smith T. Webster
A. Hewson (Substitute)

Officers Interim Assistant Director for Planning
Planning Development Manager
Solicitor (TP)
Senior Planning Officer (AC)
Planning Officer (KC)
Planning Officer (HW)
Democratic Services Officer (SE)
Democratic Services Officer (CR)

Minute No.	Minute						
PL90	<p>Apologies for Absence Apologies for absence were received from Councillors Douglas, Illingworth, Steadman and Wood.</p> <p>Councillor Hewson had been appointed as substitute for Councillor Wood.</p>						
PL91	<p>Declarations of Interest Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p>Application 21/00899/FUL – Field 8695, Brooksby Road, Hoby Councillor Browne advised that he would be representing his ward on this application by making a representation to the Committee. He would therefore take no part in the debate nor vote on this item in accordance with the Council’s Procedure Rules.</p> <p>Application 20/00397/OUT – Land at south of Grange Farm, Hose Councillor Chandler confirmed that she was not acquainted with members of the Stroud family.</p>						
PL92	<p>Schedule of Applications</p>						
PL93	<p>Application 20/00397/OUT</p> <table border="1" data-bbox="288 1059 1441 1249"> <tr> <td>Application:</td> <td>20/00397/OUT</td> </tr> <tr> <td>Location:</td> <td>Land south of Grange Farm, Hose</td> </tr> <tr> <td>Proposal:</td> <td>To develop two pasture land fields for residential use to accommodate up to 31 houses to be accessed by a private road built to adopted standard</td> </tr> </table> <p>The Planning Officer (AC) addressed the Committee and provided a summary of the application and advised that the application was recommended for approval.</p> <p>The Planning Officer responded to Member queries as follows:</p> <ul style="list-style-type: none"> • There were 2 conditions relating to a noise assessment which Environmental Health had recommended • Surface water would go into an attenuation basin on the west of site and into a ditch and local water course south of site and the details would form part of the planning permission • Planning permission would secure attenuation by planning conditions 15 to 18 as well as the continued maintenance arrangement at the reserved matters stage • Up to 31 houses would be considered at reserved matters and the design SPD and the Neighbourhood Plan on design would be considered at that stage as well as the biodiversity and eco enhancements • There was a right of way but was not affected by this proposal, the developer was to upgrade the footway on Harby Lane to connect to the existing footway • There were no objections from Severn Trent Water and they would meet the supply requirements subject to the conditions recommended • The contributions requested by the Leicestershire County Council and NHS 	Application:	20/00397/OUT	Location:	Land south of Grange Farm, Hose	Proposal:	To develop two pasture land fields for residential use to accommodate up to 31 houses to be accessed by a private road built to adopted standard
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have been agreed and the £15k requested by the Parish Council for the village hall or the on-site play area was agreed as an either or situation and the play area had been agreed and condition 23 gave details of the play area

- The internal road layout displayed was indicative at this stage and would be the subject of future discussion and was not part of this application
- Materials for external use would be submitted before development commenced including windows, doors, tiles and bricks etc and the Parish Council would be consulted at the reserved matters stage on appearance, scale, and finer details to meet the SPD and Neighbourhood Plan design requirements
- The Interim Assistant Director of Planning advised that engagement with Parish Councils would be through a workshop process at the reserved matters stage and the type of detail mentioned above would be teased out also with options considered at that point
- Severn Trent Water had been consulted and they had provided detailed comments and there were recommended conditions for the applicant to discharge. They were the expert and had provided comments

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Helen Cheetham
Clawson, Hose & Harby Parish Council
- David Bennett, Local resident
- Nick Cooper / Maurice Fairhurst, HSSP, Architects
Mr Cooper responded to Member questions as follows:
 - The land to the west of the site had been retained by the landowner for agricultural use. This had been approved earlier
 - Drainage from the development would be piped into the attenuation pond and the obligations would be the same as the rest of the scheme at that stage
 - There were well established principles to go through another's land to maintain/service a site and there was an easement for a pumping line on the edge of the application site
- Councillor Chris Evans, Ward Councillor
Councillor Evans was not present and the Chair read out Councillor Evans' representation.

During discussion the following points were noted:

- There were concerns raised by the speakers and Ward Councillor on over-development to be considered
- More affordable housing was desirable and there was concern the number could be removed at reserved matters
- There was disappointment that the developer could not allocate an extra £15K to the Parish Council for the village hall
- There was concern at the classification of Hose as a service centre when it had limited services
- It was considered that issues raised needed to be resolved at the reserved matters stage as there was no relevant policy to refuse the application
- There was a suggestion to go back to Severn Trent Water for assurances on

the water supply however it was explained by the Planning Officer that they had raised no objections and would have to provide water

- It was noted that piping and the attenuation pond and relationship with the neighbouring owners would be covered by a condition

Councillor Browne proposed that the application be approved. Councillor Pritchett seconded the motion.

RESOLVED

That the application be APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:

- (i) Primary, Secondary and Post 16 Education Provision**
- (ii) Contribution to sustainable transport options**
- (iii) Contribution towards Waste services**
- (iv) Contribution towards Library services**
- (v) NHS Contribution**
- (vi) On Site Affordable Housing Provision**

(5 for, 3 against)

(Councillor Smith requested that her vote against the decision of this application be recorded.)

REASONS

Whilst it is acknowledged that the application site is not allocated in the Neighbourhood Plan, it is allocated in the Local Plan. The Local Plan was adopted more recently than the Neighbourhood Plan and therefore achieves 'primacy' under the applicable law and assessment of the Development Plan as a whole.

Whilst the proposed development would provide more housing than identified in the Neighbourhood Plan, the housing requirement is a minimum only, and there is nothing to prevent the provision of more housing – as stated within the Development Plan which states that requirements are the minimum number of new dwellings that should be provided in the relevant period, and all stakeholders involved in the delivery of housing should play their part in seeking to exceed the requirements by bringing forward development in accordance with the plan policies as a whole.

Although the proposal would result in the increase in number of dwellings than estimated for the site within the Local Plan, the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded.

Affordable housing provision remains one of the Council's key priorities. This application delivers the required level of affordable housing (in line with the Melton Local Plan) that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of 10 on site affordable housing units, of a type to support the local market housing needs. The final mix of affordable housing would be secured by Section 106 agreement attached to this outline proposal.

Contributions towards local infrastructure is also secured by Section 106 to ensure that the local infrastructure can mitigate the impact of the development.

The application is in outline and demonstrates how this allocation could be delivered including the site specific criteria applied by the Plan. This report will go on to show that no material considerations are present which indicate the decision should depart from the development plan as a whole when considering the conflict between the Neighbourhood Plan and the Local Plan.

The development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site from Harby Lane, including pedestrian connectivity to the south. Sufficient off street parking provision can be secured at detailed reserved matters stage.

Policy SS1 and SS2 of the Melton Local Plan strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. The site is situated within a Service Centre as defined by the Melton Local Plan and notwithstanding the conflict with the Neighbourhood Plan, the Melton Local Plan was adopted more recently and therefore achieves 'primacy' under the applicable law and assessment of the Development Plan as a whole

The application site sits within the setting of the Grade II Listed Grange Farmhouse and Scheduled Monument but is separate from and does not form part of the development site. The proposal is considered to be sympathetic to the setting of heritage assets and whilst there is some 'less than substantial harm' to the setting of the Grade II Listed Grange Farmhouse and Scheduled Monument, this harm is outweighed by the public benefits of providing dwellings on a site allocated for residential development in the Local Plan, subject to detailed design and further consideration at reserved matters stage. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

PL94

Application 20/01088/OUT

Application:	20/01088/OUT
Location:	66 Dalby Road, Melton Mowbray
Proposal:	Demolition of bungalow and erection of apartment block to create 9 apartments outline application with all matters reserved

The Planning Officer (KC) addressed the Committee and provided a summary of the application which was to consider whether the principle of 9 apartments was acceptable on the site. The application was recommended for approval.

There were no public speakers.

The Planning Officer responded to Member queries as follows:

- The indicative plan showed 12 car parking spaces, 1 space per unit and 3 visitor spaces. The guidance suggested 2 spaces per dwelling that were 3 bed units, however these were 1-2 bed units also where car parking ownership was low, then 1 space per unit was acceptable. It was also to be noted that this was a sustainable location with alternative travel options such as public transport, cycling and walking to the town centre
- The number of units had been reduced from 15 to 9 and the footprint of the building reduced to allow for more amenity space and outdoor seating as

previously requested by the Committee

During discussion the following points were noted:

- The Ward Councillor had received a request for a sturdy fence between the proposal and the development
- It was felt that 9 units was still too many
- There was a concern at the limited amenity space and parking for residents and their visitors
- There were concerns for the mental health of residents and the need for good amenity space, both private and communal
- It was felt that the proposal was in conflict with Local Plan Policies D1 due to over intensive development of the site and IN2 giving rise to problems of amenity for future residents in relation to available amenity space in close juxtaposition with on-site collection and storage of recyclable and other waste
- It was considered that not enough thought had been put into the proposal on the design implications of the development on the health and well-being of future residents

Councillor Browne proposed that the application be refused due to being in conflict with Local Plan Policies D1 and IN2. Councillor Smith seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the officer recommendation, due to being in conflict with Local Plan Policies D1 and IN2.

(Unanimous)

PL95

Application 21/00899/FUL

Application:	21/00899/FUL
Location:	Field OS8695, Brooksby Road, Hoby
Proposal:	Two Self-build dwellings and relocation of children's play area (resubmission of planning application ref 19/01113/FUL

(Councillor Browne declared his intention to speak as Ward Councillor and moved into the public gallery, took no part in the debate nor voted on this application.)

The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised that the Neighbourhood Plan was permissive of small scale development of up to 3 dwellings within Hoby and this took precedence over the Local Plan. The relocation of the play area was acceptable. Therefore the application was recommended for approval.

The Planning Officer responded to Member queries as follows:

- There was a right of way on the site which was not currently used
- The Inspector made the decision in April 2021
- With regard to submission of materials this would take place prior to the development proceeding. The developer would provide details and samples which would be considered on site and the Ward Councillor and Parish Council would be notified, formal discharge of the condition would follow the consultation and may involve some negotiation

- The right of way access had not been enacted in recent years and was not relevant to determination of the application. Should there be any query related to this access, this would be a private law matter

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Stuart Robinson
Hoby with Rotherby PC

Mr Robinson responded to Member questions as follows:

- Independent Planning advice had been sought on the interpretation of the Neighbourhood Plan with regard to what constituted the edge of the village. In this case it was advised the proposal was outside of the village as there was a break between the village boundary and the site
- The site flooded most years and suffered from sewage overflow. The play area would become waterlogged as it adjoined the flood plain and he considered this development would exacerbate the flooding problem

The Planning Officer (HW) explained that the Inspector's report referred to the development being 'within or on the edge' and Officers had considered this proposal to be on the edge of the settlement of Hoby. It was accepted that it was not adjoining but it met the policy requirement.

- John Coleman, resident
- Councillor Ronan Browne, Ward Councillor
Councillor Browne responded to Member questions as follows:
 - The intention of Neighbourhood Plan policy 14 was for small affordable housing units
 - There was no identified need for this housing

During discussion the following points were noted:

- It was felt that the design did not meet policy standards
- The development did not meet climate change requirements in some of its use of materials such as the installation of wooden windows
- The proposal did not have sympathy with its location being close to Brooksby
- Members felt the play area added value but there were concerns as to its relocation due to the potential for flooding
- It was considered there was no local housing need in Hoby
- The Planning Development Manager advised that the play area was an enhancement as there was no policy requirement to relocate or retain a play area
- Members had concerns at the interpretation of the village boundary and where the edge of the village was located
- It was noted that the Neighbourhood Plan provided for small scale development and a settlement boundary for Hoby and there was no formal definition as to how close to the boundary the line which showed the edge could be drawn therefore 'the edge of the village' was open to interpretation
- The Planning Officer (HW) advised that between settlements was known as an area of separation and Officers considered this proposal to be on the edge of the settlement
- A Member felt a refusal was appropriate as the proposal was in an

unsustainable location outside the village near to the sewage works where there was risk of flooding, there was no local need for the housing and the play area did not need to be relocated

- The Solicitor advised that material reasons were needed to defend an appeal should Members vote to refuse the application
- The Planning Development Manager explained that policy related reasons were needed as to why Members felt the proposal was contrary to policy
- A Member felt that there was an 11 year land supply and the Committee did not need to agree housing where it was so controversial
- It was considered there was not enough design information in the report and more work was needed by the applicant to meet the standards required
- Reasons for refusal were summarised as being in conflict with :
 - Neighbourhood Plan Policy 1 – the site was beyond the edge of Brooksby
 - Local Plan Policies D1, EN8 and EN9 – not enough information to show that the design of the development was in keeping with the vernacular of the village

Councillor Smith proposed that the application be refused due to being in conflict with Neighbourhood Plan Policy 1 and Local Plan Policies D1, EN8 and EN9. Councillor Holmes seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the officer recommendation, due to being in conflict with Neighbourhood Plan Policy 1 and Local Plan Policies D1, EN8 and EN9.

(Unanimous)

(Councillor Smith left the meeting during the debate at 7.25 pm and re-joined the Committee at 7.26 pm)
 (Councillor Browne here re-joined the Committee.)

PL96

Application 15/01019/OUT- Deed of Variation

Application:	15/01019/OUT- Deed of Variation
Location:	Hecadeck Lane, Nether Broughton
Proposal:	Request to vary Section 106 Agreement in relation to Planning Permission 15/01019/OUT

The Planning Officer (AC) addressed the Committee and provided a summary of the application and that it was recommended to approve the changes requested in the Deed of Variation.

There was mention of a footpath to the village however this was noted as not being required by the County Council and not part of this application. The proposed allocation by the developer of £50,000 therefore was outside the consideration of the requested Deed of Variation and a matter for the Parish Council and the developer to pursue separately.

Councillor Holmes proposed that the application be approved. There was no seconder at this point and the Solicitor advised that Councillor Holmes could remain in the meeting to hear the speaker and debate so long as she was not pre-determined and retained an open mind.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Councillor Joe Orson, Ward Councillor

During discussion the following points were noted:

- Members considered the change to the housing mix was acceptable and the affordable housing units were needed
- The change in the housing mix was due to a policy amendment

Councillor Browne proposed that the application be approved. Councillor Chandler seconded the motion.

RESOLVED

That the request for a Deed of Variation be agreed.

(Unanimous)

REASONS

The proposed tenure mix would result in delivery of affordable housing of a type for which there is local need.

PL97	Urgent Business There was no urgent business.
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The meeting closed at: 8.15 pm