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Agenda

Meeting name	**Planning Committee**
Date	**Thursday, 10 November 2022**
Start time	**6.00 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**
Other information	**This meeting is open to the public**

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors

P. Posnett MBE (Chair)
R. Browne
C. Evans
E. Holmes
D. Pritchett
P. Wood
T. Webster (Vice-Chair)
P. Chandler
C. Fisher
J. Illingworth
R. Smith

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 2 November 2022

No.	Item	Page No.
1.	**APOLOGIES FOR ABSENCE**	
2.	**MINUTES** (a) To confirm the minutes of the meeting held on 29 September 2022 (b) To confirm the minutes of the meeting held on 13 October 2022	1 - 16
3.	**DECLARATIONS OF INTEREST** Members to declare any interest as appropriate in respect of items to be considered at this meeting.	17 - 18
4.	**SCHEDULE OF APPLICATIONS**	
4.1	**APPLICATION 20/00438/REM** Former Poultry Farm, Sandy Lane, Melton Mowbray	19 - 46
4.2	**APPLICATION 15/00017/OUT** Land west of Marquis Road and North of Station Road, Old Dalby – Variation of Planning Obligation within Section 106 Agreement	47 - 52
5.	**URGENT BUSINESS** To consider any other business that the Chair considers urgent	

Melton Borough Council

Minutes

Meeting name	**Planning Committee**
Date	**Thursday, 29 September 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

T. Webster (Vice-Chair)
P. Chandler
C. Fisher
J. Illingworth
R. Smith
R. Browne
C. Evans
E. Holmes
D. Pritchett
P. Wood

Officers

Solicitor (TP)
Senior Planning Officer (AC)
Senior Planning Officer (RR)
Planning Officer (GE)
Senior Democratic Services & Scrutiny Officer
Democratic Services Officer (SE)

Minute No.	Minute
PL31	**Apologies for Absence** There were no apologies for absence.
PL32	**Minutes** (a) The minutes of the meeting held on 21 July 2022 were confirmed as a true record. (b) **Minutes of the special meeting held on 11 August 2022** To clarify the position on the voting, the Chair proposed an amendment to the minutes as shown in red below : **'RESOLVED** **That the application be APPROVED subject to conditions set out in Appendix C.** 4 for, 4 against, 1 abstention (The Chair did not vote) Due to a tie in the vote, in accordance with the procedure rules set out in the Constitution, the Chair exercised her casting vote for the application which carried the motion to approve the application.' Members raised queries regarding the way in which the voting should be recorded in the minutes. A Member raised a query in relation to the conditions which had been debated at the meeting and whether these were included as part of the approval of the application. The Senior Planning Officer (AC) responded that condition 11 covered these matters. It was agreed to defer confirmation of the minutes to enable clarification as to how the voting at the 11 August Meeting should be recorded in the minutes on the matters raised to be taken to the next meeting. (Councillors Chandler and Holmes entered the meeting at 6.05 pm during the debate on the above item.)
PL33	**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. **Application 22/00705/FUL - Flats North of Car Park, Chapel Street, Melton Mowbray**

Councillor Browne declared a conflict of interest due to his role as portfolio holder for Housing and Landlord Services and his subsequent involvement in the scheme and therefore advised he would not take part in this application and he would move into the public gallery.

PL34 **Schedule of Applications**

PL35 **Application 21/00825/VAC**

Application:	21/00825/VAC
Location:	OS4240, Burdetts Close, Great Dalby
Proposal:	Variation of conditions 5, 8 and 23, and discharge of conditions 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21 of planning approval 18/00721/OUT

The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions. He explained that an additional representation had been received which related to the site access however this was not part of this application. Amended plans had been received and were reflected in the presentation and would have no impact on amenity. Highways had indicated that the amendments met the required standard and the roads would be capable of adoption. Due to the revised plans, there was an amendment to condition 3 which had not been included in the report and was verbally communicated to the Committee, which would take account of the highway comments and appropriate landscaping.

Members raised concerns and the Senior Planning Officer responded as follows:

- Condition 3 would be amended to read in accordance with the respective drawings.
- Trees would be planted at 10m intervals.
- The width of the entrance to Burdetts Close was approx. 5m and this met the Highway Authority's requirement.
- The road carriageway was the same as the existing road on Burdetts Close.
- Severn Trent Water had raised no objections to the scheme.

Members felt that they could not consider an application when they did not have the correct wording for the condition variations.

It was requested that the following be recorded in the minutes:

'There was ongoing concern for building new homes in villages when the water and sewage infrastructure was not effectively meeting customer demand and how this new development would impact on the water supply of existing residents in Great Dalby.'

The Solicitor responded that previous appeal decisions had looked at this issue and

explained that water companies were not obliged to provide comment and Planning Committees could not refuse applications on water supply related matters. There were however other routes to address this issue outside of a Planning Committee meeting.

Although there was some confusion as to elements of the two applications received for this site, it was noted that it was not possible to combine them as they had been submitted as two separate applications.

A discussion ensued on the Construction Management Plan and how this was accessed against EN2. It was explained that there is expected to be a biodiversity gain as a result of additional planting, however this was questioned as there has been no baseline biodiversity assessment and therefore it can't be assumed that there would be a biodiversity gain.

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:

- Caroline Chave, Agent, Chave Planning
- Councillor Robert Child, Ward Councillor

Following the speakers' speeches the following points were noted:

- The drainage system couldn't cope with the current amount of sewage. It was likely that this application could exacerbate the situation, however it was noted that the Committee had no option but to accept what Severn Trent Water had stated.
- It was alleged by the Ward Councillor that the sewage problems had been caused by a small pipe between Great Dalby and Kirby Bellars.
- It was noted that there had been some consultation between the developer and the residents.

The meeting entered open debate and the following points were noted:

- There was concern that a barrier wasn't proposed for the footpath near the pub from the site. It was explained that the Planning Authority couldn't force this but that the Parish Council could approach the Highways Authority separately on this issue.
- There was a general consensus that the Committee did not have sufficient information to determine the application.

Councillor Illingworth proposed that the application be deferred. Councillor Evans seconded the motion.

RESOLVED

That the application be DEFERRED for the reasons given below.

(Unanimous)

REASONS

The reasons for deferral were as follows:

- Condition 2 required re-writing.
- The access and highways position required clarification; and
- In light of contradictory information that had been presented to the Committee, Severn Trent Water be asked to clarify their position and provide additional technical details which back up their position.

(Councillor Illingworth here left the meeting and did not return.)
(Councillor Browne left the meeting at 7.19 pm and returned at 7.20 pm.)
(Councillor Fisher left the meeting at 7.19 pm and returned at 7.21 pm.)

PL36

Application 19/00909/OUT

Application:	19/00909/OUT
Location:	St Mary's Hospital, Thorpe Road, Melton Mowbray
Proposal:	Discharge of Condition 30 (Vagrant Cells) attached to planning permission

The Planning Officer (GE) addressed the Committee and provided a summary of the application and advised the application was recommended.

There were no public speakers.

During discussion the following points were noted:

- The doorway was of steel construction to ensure stability and weatherproofing
- There was an information plaque displaying the history of the cells
- There was appreciation for reaching a mutually agreeable design and appearance
- There was disappointment from one Member that the original cells could not have been retained

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

RESOLVED

That the application be APPROVED and condition 30 be formally APPROVED.

(9 for, 1 abstention)

REASONS

The proposed scheme is considered to result in an appropriate memorial and consists of a structure which offers an interesting and sensitively considered physical representation of a historic vagrant cell at the site in terms of scale, design

and appearance, ensuring that the feature would appropriately commemorate the interpretation of this important non1designated heritage asset and its place in Melton Mowbray's history.

Due to the design and positioning of the feature, it is considered that the risks arising from anti-social behaviour or vandalism have been adequately addressed and mitigated.

PL37

Application 22/00705/FUL

Application:	22/00705/FUL
Location:	Flats North of Car Park, Chapel St, Melton Mowbray
Proposal:	Raising the roof

(Councillor Browne here left the meeting due to his interest declared at Minute PL33.)

The Senior Planning Officer (RR) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions.

There were no public speakers.

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

RESOLVED

That the application be APPROVED subject to conditions set out in Appendix B.

(Unanimous)

REASONS

The overall increase in height is minimal being approximately just 0.17m and it is considered that the proposal would have no undue detrimental impact to the character of the area, nearby heritage assets or to neighbouring residential amenity.

The proposal would not detract from the setting of the adjacent listed building given the minimal impact the increase in height of the roof would have.

The proposed works would incorporate increased and improved roof insulation in order to comply with Policy EN9 of the Melton Local Plan and the current U-values under Part L (Conservation of Fuel and Power) of the Building Regulation/Building Act

The proposed development would therefore accord to Policy D1 and SS1 of the

	Melton Local Plan and the overall aims of the National Planning Policy Framework 2021.
PL38	**Urgent Business** There was no urgent business.

The meeting closed at: 7.32 pm

Chair

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Melton Borough Council

Minutes

Meeting name	**Planning Committee**
Date	**Thursday, 13 October 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

T. Webster (Vice-Chair)
P. Chandler
C. Fisher
J. Illingworth
P. Wood
R. Browne
C. Evans
E. Holmes
R. Smith

Observers

Officers

Planning Development Manager
Solicitor (TP)
Planning Officer (AC)
Planning Officer (HW)
Senior Democratic Services & Scrutiny Officer
Democratic Services Officer (HA)

Minute No.	Minute
PL39	**Apologies for Absence** An apology for absence was received from Councillor Pritchett.
PL40	**Minutes** (a) The minutes of the special meeting held on 11 August 2022 were confirmed as a true record. (b) Due to the minutes of 29 September 2022 being circulated at the meeting, it was felt Members had not had enough time to consider these and therefore it was agreed these minutes be presented at the next meeting for approval.
PL41	**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. **Application 21/00836/FUL - Land At 36 Main Road, Kirby Bellars** Councillor Browne declared a personal interest in this application as he felt he had had significant involvement in discussions with officers, the agent and the parish council on this matter and therefore advised he would not take part in this application and would leave the meeting. **Application 22/00944/GDOAGR - Land south of Crossroads Farm, Scalford Road, Eastwell** Councillor Holmes queried whether she had an interest in this item as she was a neighbour to the property. The Solicitor advised that being a neighbour did not constitute an interest. Councillor Webster queried whether he had an interest in any of the applications at this meeting as through his work he had been involved in selling cattle at auction on behalf of the applicants/landowners. The Solicitor advised that as this connection was through his employment and was not for personal gain there was no interest.
PL42	**Schedule of Applications**
PL43	**Application 21/00836/FUL** **Application:** 21/00836/FUL **Location:** Land At 36 Main Road, Kirby Bellars **Proposal:** The erection of 1 new dwelling and the resiting of 3 approved dwellings (ref.17/01312/FUL) (4 x 3 beds); alterations to access (Councillor Browne here left the meeting due to his interest declared at minute PL41.)

The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised the application was recommended for refusal for the reason given in Appendix A.

Members raised concerns and the Planning Officer responded as follows:

- The circumstances that existed for granting the previous planning application no longer existed and officers could not comment further on that position.
- Paragraph 1.7 of the report for the previous application referred to the restriction on the keeping of livestock.
- Although the proposal was for self build homes, the layout and design had already been submitted and therefore the homes would be built as presented and submitted as part of this application.

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:

- James Beverly, Agent, Fisher German

Following the speaker's presentation the following points were noted:

- The proposed dwellings were intended for family members to be able to support adult social care and childcare requirements
- Family members desired to return to the village where they grew up
- The application did not include for the family members to be involved in the working of the farm although they would be available to help out when needed
- The original application was focussed on open market homes to pay for the loss of the pig sheds
- Should this application be refused, the applicant would revert back to the original application for the 3 open market homes to recoup the money lost for the pig sheds

During debate the following points were noted:

- It was understood by a Member that self build homes were to be encouraged and it was questioned whether there was a shortfall of self build homes
- With regard to the nuisance factor in approving the previous application for 3 homes, the applicant had commenced development in demolishing the pig sheds and therefore the same nuisance issue could not be a factor in this application
- Members also questioned if the applicant could still go ahead with the approved application
- It was questioned as to what could be the justification for increasing the number of homes on the site
- The Planning Officer explained that there did not need to be a shortfall to approve a planning application for self build homes. This application was being considered under the policy SS3 which required an identified need for the housing proposed. An argument had been put forward for self build plots as justification to meet policy SS3. The officers' view was as there was no identified shortfall for self build plots neither in the parish nor the borough then there was no justification in accordance with policy SS3 for this this type of

dwelling. Also the pre-application advice on the previous application was that an application for up to 3 dwellings was likely to be looked upon favourably but any more than 3, due to the unsustainability of the location, was unlikely to be looked upon favourably

- There had been commencement of the previous application in the form of demolition of the pig sheds and this was deemed a trigger for the application to be active as the demolition was part of the original permission

Councillor Chandler proposed that the application be refused in line with the reasons set out in the report. Councillor Smith seconded the motion.

RESOLVED

That the application be REFUSED for the reason outlined in Appendix A.

(8 in favour, none against, 1 abstention)

REASONS

Appendix B contains the full report from the 23 June 2022 meeting of Planning Committee and is included to provide information on the other material planning considerations and issues and representations raised in respect of this application; separate from the matter relating to the outcome of discussions with the agent, after the application was withdrawn from the 23 June meeting.

It is considered that the proposal would not fully comply with Local Plan Policy C8, as it lies outside of and does not adjoin the neighbouring settlement of Kirby Bellars. In addition, the proposal would have limited benefits to meeting the identified benefits of providing self-custom build housing including diversifying the housing market or delivering innovative design. There is no unmet demand for self-custom build plots within the Parish or the Borough. It is therefore considered that the limited benefits of providing self-build housing within the application site do not outweigh the identified conflict with strategic policies SS2 and SS3 in the overall planning balance.

The recommended reason for refusal is contained with Appendix A.

(Councillor Browne here re-joined the Committee.)

PL44

Application 21/01223/FUL

Application:	21/01223/FUL
Location:	Saltby Airfield, Skillington Road, Sproxton
Proposal:	Change of use of former airfield land to use for the import, storage, and export (B8 use) of straw for commercial purposes; construction of weighbridge and welfare building (retrospective)

The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised that further representations had been received

following publication of the agenda however they did not raise any new concerns that were not already covered in the report. The application was recommended for approval subject to conditions.

Should the application be approved, an amendment to condition 6 was recommended which stated the hours of operation as being between 0700 and 1900 hours Monday to Friday and no vehicle movements on Sundays and bank holidays, and the second part should be replaced to state, no vehicle movements on weekends and bank holidays.

Members raised concerns and the Planning Officer responded as follows:

- With regard to the number of vehicle movements, these were 2 way vehicle movements, 40 movements would likely equate to 20 vehicles into the site and 20 leaving the site in one day
- Although the applicant had provided weights of the HGVs both empty and at capacity, there were no weight or length limitations placed on the operation by the Highways Authority
- The application had been assessed by the Leicestershire and Lincolnshire Highways Authorities and was deemed acceptable
- The accumulative effect of vehicles on the roads had formed part of the assessment including the nearby poultry farm which generated 34 x 2 way HGV movements
- There had been no weight applied to the report in terms of the environmental impact of renewable energy
- There was a condition which limited the operation to 40 vehicle movements. This would be recorded by a weighbridge on the site which kept records of vehicle weights and movements and should there be any concerns that the restriction was exceeded then the Council could use enforcement powers to investigate

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 Joey Newton, Sproxton Parish Council

Following the speaker's presentation the following points were noted:

- The application only conditioned the entrance and exit to the site within the application
- The Planning Officer advised that there was no mechanism for routing the vehicles outside the application site as there were no concerns raised by either of the Highway Authorities and they were not able to control vehicles beyond the site. The entry and exit points were to reduce the impact on neighbouring properties and were not due to highway concerns
- There had been some consultation with the parish council

Tricia Laurance, Objector

Following the speaker's presentation the following points were noted:

- The Hungerton Farms Road Traffic Assessment had had to be completed after the school holidays and was issued on 6 October. It had been forwarded to both the Leicestershire and Lincolnshire Highway Authorities
- The Planning Officer advised that the Highway Authorities had sent in their responses to the report within the last few days. The responses confirmed that the report did not change their position on the assessment of the application. Leicestershire Highway Authority advised that the data provided indicated a lightly trafficked route which did not suggest an issue with excessive speeds. Therefore there was no change to their advice on this planning application. Lincolnshire Highway Authority advised that their response remained unaltered from advice provided in April. They had taken into account the additional information and maintained the development would not result in a severe impact on highway safety or capacity with regard to paragraph 111 of the NPPF
- The data provided related to the survey which was carried out on the Hungerton to Wyville Road
- There was a powerplant storage site at Fulbeck Airfield which had a maximum of 20 HGVs in and 20 out per day and 25,000 bales stored on site

Frazer Jolly, Farm Manager, Saltby Farms supported by a Planning Consultant and a Highways Consultant

Following the speaker's presentation the following points were noted:

- The Planning Consultant advised there had been consultation with the parish council which had resulted in a change to the routing of HGVs however if Members considered a different route was more appropriate, then they would agree with that
- The Planning Officer advised that a workshop had been held with the parish councils, the chair and ward members and as a result the rerouting was put forward as part of a wider scheme to mitigate harm including the entry and exit points, limiting the number of bales and height of bales on the HGVs within the application site but there would not be any control of the route as part of the application

During debate the following points were noted:

- There was concern at there being no passing points on the routes in and out of the site
- The routes to and from the site were not enforceable which could result in HGVs on unsuitable routes
- Policy EN10 was considered should a refusal be put forward
- There was concern that the Hungerton Farms survey and the Highway Authority responses had not been included in the report
- The Planning Officer clarified that she had explained in her introduction that there had been additional information submitted since despatch of the agenda that did not change the position and was already covered in the report. This was the Hungerton Farms survey and the responses received from the Highway Authorities which did not alter their position

- The Solicitor advised that routing traffic outside of the site could not be enforced
- Members could have influence on the entrance and exit points
- It was noted that traffic accidents for the area were taken into account by the Highway Authorities
- There was concern at the potential for traffic issues at Denton crossroads
- The Planning Officer advised that they could not control the routing of vehicles when they exited the site as there was no justification with regard to highway safety
- The Planning Officer advised that following the consultation with the parish councils and ward members, officers reconsulted on the new proposals with the parish councils and all consultees on the new route
- Deferral was suggested to enable the applicant to discuss with the parish councils a mutually agreeable plan although the Solicitor pointed out that any such route would not be enforceable, it was felt that following such consultation the Committee would then know that some level of trust and compromise had been reached between the parties
- The Solicitor advised that this would not be a strong reason for deferral due to the risk of non-determination of the application
- The Solicitor advised that weight restrictions were set by the Highway Authorities

(The meeting was adjourned at 7.52 pm and reconvened at 8 pm)

- There was some consensus for a deferral for more community engagement by the applicant to consider the routing of the HGVs and it was felt that EN10 was applicable due to the impact on the homes and residents of Croxton Kerrial

Councillor Evans proposed that the application be deferred. Councillor Smith seconded the motion.

RESOLVED

That the application be DEFERRED

(5 for, 1 against, 3 abstentions)
(Councillor Illingworth left the meeting during the debate and before the vote at 8.02 pm.)

REASONS FOR DEFERRAL
Being in conflict with policy EN10
To facilitate further discussion between the applicant and the community with regard to the routing of the HGVs to and from the site

PL45

Application 22/00944/GDOAGR

Application:	22/00944/GDOAGR
Location:	Land south of Cross Roads Farm, Scalford, Eastwell
Proposal:	Proposal: Notification under Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) for the erection of an agricultural building for livestock

The Planning Officer (AC) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions.

The notification was required to be considered by the Committee because it was submitted by a Member of the Council, Councillor Hewson.

There were no public speakers.

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

RESOLVED

That no prior approval of the matters listed in Part 6, Class 6 are required (section 7 of the report referred).

(Unanimous)
(Councillor Evans left the meeting during the officer presentation and before the vote at 8.12 pm.)

REASONS

The proposed development accords with all of the criteria set by Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) and the matters subject of conditions specified by part A.2 of this legislation are not applicable to the circumstances of the case.

PL46

Urgent Business
There was no urgent business.

The meeting closed at: 8.14 pm

MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or

b) any body

(i) exercising functions of a public nature

(ii) any body directed to charitable purposes or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

a) you must disclose the interest;
b) not participate in any discussion or vote on the matter; and
c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

a) you must disclose the interest
b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

a) you must disclose the interest;
b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):

a) you should not take part in the decision-making process
b) you should state that your position in this matter prohibits you from taking part
c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Melton Borough Council

Helping people | Shaping places

Planning Committee

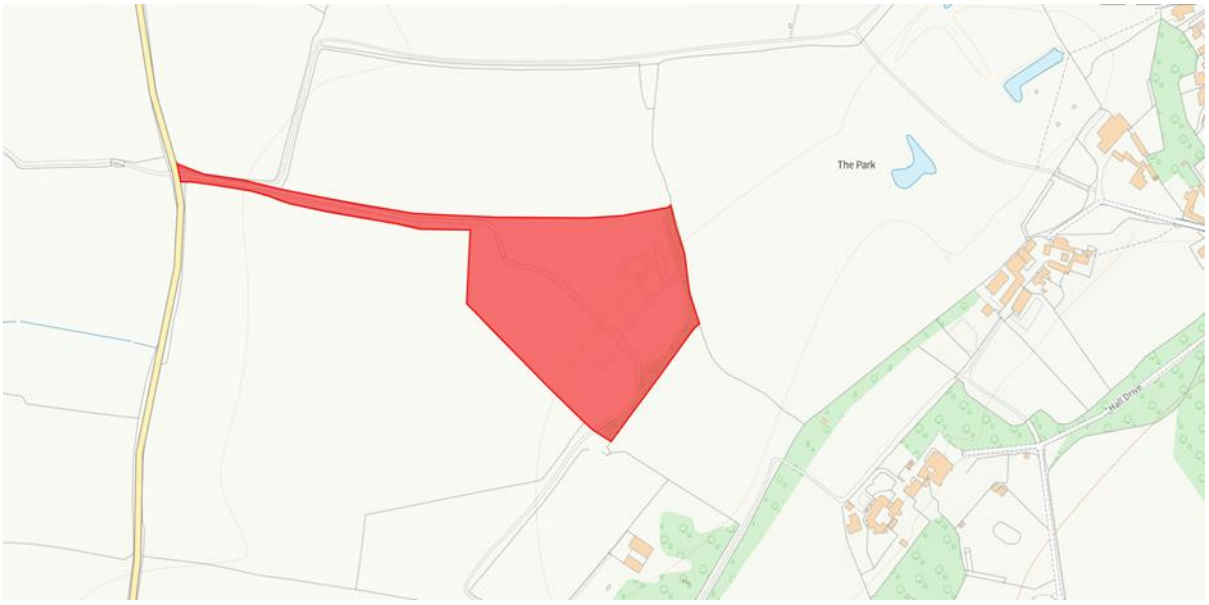
10 November 2022

Report of: Assistant Director for Planning and Delivery

20/00438/REM at the former Sandy Lane Poultry Farm, Sandy Lane, Melton Mowbray for the reserved matters of layout, scale, appearance and landscaping of 30 dwellings in association with the outline approval 15/00537/OUT approved on 19 April 2017

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr R Child
Date of consultation with Ward Member(s):	12 May 2020
Exempt Information:	No

1 Summary



1.1 The site is located in the open countryside and formerly occupied by poultry buildings as well as Nissen huts, but all buildings and structures have now been demolished. Access to and from the site is via Sandy Lane with the access road and site having established planting along their boundary. Surrounding the site are agricultural fields. Ground levels rise from Sandy Lane along the access road into the site.

1.2 Within the site there is a pond area where protected species are known to inhabit. Furthermore, there are known badger sets in and around the site as well. There is a Scheduled Ancient Monument (SAM) outside of but in close proximity to the east of the site.

1.3 The outline planning approval, reference 15/00537/OUT, approved the demolition of existing structures on the site and the re-development of the site to create 30 dwellings (Use Class C3) including the refurbishment of an existing Nissen Hut to create a community space (Use Class D1) space and associated open space, landscaping, drainage infrastructure and highways' improvements. The outline application included access provisions for the site. The development was approved subject to a Section 106 legal agreement on 19 April 2017.

1.4 The Section 106 agreement secured at the Outline stage requires financial contributions towards education, libraries, bus passes, civic amenities, off site Affordable Housing Contribution and upgrade costs towards the Village Hall alongside the provision of an on-site Nissen Hut Interpretive Centre. With regards to the Nissen Hut element of the s106 agreement, this requires details be submitted and approved but is not for consideration as part of this submission other than the location of the scheme which is to be considered within the layout. The plan below shows an area identified for the location of a scheme to be submitted, being in the south corner of the site.

1.5

1.6 This reserved matters application relates to the outstanding reserved matter items of layout, scale, appearance and landscaping only with access having been approved as part of the outline approval.

RECOMMENDATION(S)
1. Approval subject to conditions at Appendix D

2 Reason for Recommendations

2.1 Outline permission with access via Sandy Lane has granted permission for residential purposes securing the principle of development and the residential use being established and acceptable.

2.2 Amended plans have been provided addressing points raised by statutory consultees, public comments and officers. A workshop event has also taken place between the applicant, Parish Council and Ward Member. The amended plans result in a development that continues to provide a variety of single and two-storey house types of differing designs, appearances and heights providing a variety within the site that relates to the development as a whole. The layout serves to provide a welcoming entry point from which the scheme develops in terms of the housing, around which, significant landscaping is proposed that enhances the development whilst also providing good levels of screening between the development and the adjacent Scheduled Ancient Monument.

2.3 The submission, through the receipt of amended plans and documents following productive dialogue with the agent and applicant taking account of consultee comments, represents an acceptable form of development through the reserved matters of layout, appearance, scale and landscaping. Whilst a number of objections have been received, officers consider that the development as currently proposed and taking account of the amended plans, satisfactorily addresses concerns raised.

2.4 It is considered that the development complies with policies within the Adopted Melton Borough Council Local Plan and the emerging Burton and Dalby Neighbourhood Plan.

3.1 **Reason for Committee Determination**

3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection from separate households contrary to the recommendation.

3.2 **Relevant Policies**

3.3 **Melton Local Plan**

3.3.1 Policy SS1 – Presumption in favour of Sustainable Development

3.3.2 Policy C2 – Housing Mix

3.3.3 Policy C3 – National Space Standard and Smaller Dwellings

3.3.4 Policy C4 – Affordable Housing Provisions

3.3.5 Policy EN1 – Landscaping

3.3.6 Policy EN2 – Biodiversity and Geodiversity

3.3.7 Policy EN6 – Settlement Character

3.3.8 Policy EN9 – Ensuring Energy Efficiency and Low Carbon Development

3.3.9 Policy EN12 – Sustainable Drainage Systems

3.3.10 Policy EN13 – Heritage Assets

3.3.11 Policy IN2 – Transport, Accessibility and Parking

3.3.12 Policy D1 – Raising the Standard of Design

3.4 **The Burton and Dalby Neighbourhood** Plan (emerging – referendum in December)

3.4.1 B&D1 – Landscape Character

3.4.2 B&D2 – Dark Night Skies

3.4.3 B&D8 – Ecology and Biodiversity

3.4.4 B&D12 – Design

3.4.5 B&D15 – Infrastructure

3.4.6 B&D18 – Rural Housing

3.4.7 B&D25 – Water Management

3.5 **Main Issues**

3.5.1 The main issues for consideration relate to the layout of the development, the appearance and scale of the development as well as the landscaping associated with the development. Alongside these, further areas for consideration comprise housing mix, heritage, amenity, internal highway proposals and ecology.

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 Planning law states that planning decisions must be made in accordance with the development plan unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.1.2 The provisions of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended) also need to be taken into account due to the sites location adjacent to a Scheduled Ancient Monument.

4.1.3 The Melton Local Plan forms the development plan and was adopted on 10th October 2018 and has full weight in decision making.

4.1.4 The Burton and Dalby Neighbourhood Plan has passed Regulation 16 consultation and is awaiting referendum which is likely to take place in December. As such the Neighbourhood Plan carries significant weight and is a material planning consideration in the determination of this planning application.

4.1.5 The National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance are also very important material considerations that carry great weight.

4.2 Principle of Development

4.2.1 The site is situated in the open countryside where the provisions of policies SS1 and SS2 would normally seek to resist this type of development. Furthermore the provisions of

policy B&D18, Rural Housing, in the Neighbourhood Plan (emerging) would also resist this development.

4.2.2 However, in this instance the site has outline permission with access for the demolition of structures on the site and subsequent residential re-development of the site. As a result of this outline permission, to which this reserved matters submission relates, the principle of development is acceptable.

4.2.3 In respect of the outline application and conditions attached to the approval, a number of conditions require details to be submitted to the Council as Local Planning Authority (LPA), for approval prior to any works commencing. Comments made in the letters of objection received have made reference to the demolition of the Nissen huts that were on-site at the time of the outline approval having been granted, and that their demolition is in conflict with the outline approval conditions.

4.2.4 It is accepted that the Nissen huts have been demolished contrary to the conditions attached to the outline planning consent, but their demolition does not go to the heart of the outline approval and while their demolition is a breach of planning, it cannot prejudice the determination of this reserved matters application. It should be noted that the conditions required to be discharged will be separate from this reserved matters submission, as will the requirements of the Section 106 agreement.

4.2.5 The Section 106 stated a 'Nissen Hut Interpretation Centre Scheme' meaning the Nissen Hut to be restored on site and to be used as a community centre and which will reflect the heritage of the site.

4.2.6 'Nissen Hut Interpretation Centre Scheme' meaning the scheme outlining the restoration and future use and maintenance of the Nissen Hut Interpretation Centre to be submitted by the Owner to the Borough Council in accordance with clause 3.3 and which shall include details of timings for the delivery of the scheme

4.2.7 Based on the requirements of the Section 106 Agreement full details of the Nissen Huts are not being considered as part of this application, as has been the case with other applications the full details will be submitted to and considered by the Local Planning Authority as part of a discharge of the Section 106 Agreement.

4.3 **Layout**

4.3.1 Since the application was submitted, and due to a number of statutory consultee, public and officer comments, the proposed site layout has developed and changed, resulting in amended plans having been submitted. The amended plans show the site accessed off Sandy Lane along the existing track as approved under outline permission reference 15/00537/OUT.

4.3.2 Once into the site there are 2 ponds – 1 each side of the road - in grassed and landscaped areas on to which 3 dwellings front, providing an attractive entry into the main area of the site. From here the internal road continues with 2 spurs off. The dwellings front onto the road making use of the sites existing landscaped boundaries to their rears.

4.3.3 A near centrally located pond with all dwellings arranged so as to front onto the road and centrally located open areas are also proposed. The dwellings all have generous rear garden areas as can be seen on the submitted Layout Plan. To the rear of the dwellings along the sites boundaries existing landscaping will be added to and enhanced using a

variety of native species of trees, shrubs and other planting with their being footpaths around some of these landscaped areas to provide an improved environment when travelling through the site.

4.3.4 The layout has also been designed to ensure that provision is made in respect of ensuring the continued retention and protection of protected wildlife species currently located on the site while also facilitating the enhancement of their habitat. The use of the landscaping, to be addressed in detail later in this report, not only serves to contribute to creating a sense of place in the layout, it also serves to improve the interaction between the built and natural form and limiting some of the impact on the nearby Scheduled Ancient Monument by providing natural screening.

4.3.5 The proposed layout indicates an area for the Nissen Hut can be located and this location ensures that sufficient space is available for the Nissen Hut that is required to be provided through the Section 106 agreement. The location of this area is situated such that it will be located in proximity to the dwellings so as to not be a stand-alone separate structure that detracts from the development which serves to ensure it is able to fit in with the development.

4.3.6 Officers consider that the layout is such that the various elements interact well with each other in a manner that represents an acceptable arrangement to the benefit of the development itself as well as the wider area. As such the layout of the development is acceptable in accordance with Policies EN1, EN6 and D1 of the Adopted Melton Local Plan as well as policies B&D1, B&D8 and B&D12 of the emerging Burton and Dalby Neighbourhood Plan.

4.3.7 Third party and consultee comments received highlight that the layout being considered differs from that provided as part of the approved outline application. It should be noted that as part of the outline application, the only items being considered were the principle of the development and the access arrangements. As such the drawings provided showing layout were purely indicative and served to show how the site could accommodate residential development in this location.

4.4 **Appearance and scale;**

4.5 The dwellings proposed comprise a mixture of bungalows (5) and two-storey dwellings (25) all with dual pitched roof above. This variation in height as well as footprint of the dwellings serve to provide a mix and variety in the development that work well within the site layout as well as with each other.

4.6 Their appearance share common features such as the use of hipped pitched roof, on single storey buildings and gables on 2-storey dwellings as well as varying ridge heights while also having different elements including varied porch locations and front / rear projections having heights different to each other but lower than the main roof ridge so as to ensure a variation in the dwellings that provides for areas of interest within the development. The dwellings have a mix of hipped and pitched roofs while the 2-storey dwellings also are a mix of traditional 2-storey with roof above and 2-storey where the upper floor has dormer type windows in the roof space.

4.7 There range of heights within the development are positioned in the layout to provide a rise and fall in the visual appearance of the development. This arrangement provides an

attractive visual impression while also serving to ensure areas of excessive scale and bulk are minimised creating visual interest when travelling through the site.

4.8 Principal room windows face to the front and rear of the site with all dwellings having private front and rear garden areas. The submission of materials is conditioned by the outline approval to ensure that an appropriate pallet is provided which will contribute to the local character of the area.

4.9 The garages, integral and detached, are all of simple designs that will fit in with the dwellings that they relate to so that they are not out of keeping with the character or appearance of the development nor the area.

4.10 Policy B&D12 of the Neighbourhood Plan (emerging) sets out that developments should reflect local characteristic and circumstance while creating and contributing to a high quality environment while also satisfying the design codes set out in the plan. There is also a requirement to have regard to the amenities of neighbouring sites and take account the provisions of Section 3 of the Burton and Dalby Design Code dated June 2021.

4.11 The site is isolated from the existing nearby settlements however the dwellings and garages have been designed in a manner that draws on features in these areas to enable a respectful appearance that takes accounts of these existing local features including roofs that are both hipped and pitched alongside varied roof levels and upper floor windows being in-line with those on the ground floor. While the contents of the Design Code indicate limited development outside of defined settlement boundaries, Officers consider that the scheme being considered here follows the principles set out in the Design Code document with regards to features such as appropriate respectful building heights, windows facing appropriately on corner plots alongside appropriately located door openings.

4.12 Collectively the dwellings and garages are of designs, appearance and scale that are considered to be acceptable. As such they comply with adopted policies EN1, EN6 and D1 of the Melton Local Plan as well as the provisions of policy B&D12 and the Burton and Dalby Design Code.

4.13 **Landscaping;**

4.14 The landscaping plans have been amended since their original submission as a direct result of discussions with technical consultees – most notably Historic England and Highways.

4.15 The amended plans provided show a large amount of planting and landscaping around the site in its entirety including the use of a large amount of native species. The scheme will see large levels of new planting to supplement existing landscaping to be retained with gaps in the existing hedgerows to be “plugged” with appropriate native species to reflect those currently on site resulting in a level of planting greater than currently provided on site. Such examples to be planted across the site include Hawthorn, Common Maple, Alder, Silver Birch, Oak, Lime, Laurel, The Dog Rose and English Lavender.

4.16 The species proposed will also serve to contribute to the enhancement of the SAM through the improved landscaping contributing to an improved buffer that separates the development from the SAM as has been sought by Historic England that minimises detrimental impacts from the development on the SAM and “which have reduced the level of harm that would be caused to the significance of the scheduled monument” to a point

where Historic England no longer object on these grounds. Within the context of the existing biodiversity that exists on the site, the species and quantities proposed will serve to ensure the enhancement of their habitat as a result of the planting and ecology works including the badger setts.

4.17 There is a footway through the landscaping area that contributes to a more rural nature of the development enabling enjoyment of the landscaping and planting proposed.

4.18 Policy B&D1 of the Burton and Dalby Neighbourhood Plan relates to landscape character, setting out that developments should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the Local Landscape Character Area it would affect. It also sets out 4 ways in which development should contribute including the conservation and, where possible, enhance the character and qualities of the local landscape through appropriate design and management; the retention and, where possible, enhancement of features of landscape importance; and the safeguarding and, where possible, enhance important views and vistas including sky lines within the development layout.

4.19 Looking at the layout, landscaping, scale and appearance of the proposed development against the provisions of this Neighbourhood Plan Policy, Officers consider that the scheme – when looked at in terms of the separate and combined elements proposed – will contribute to a good quality of design of the proposed dwellings, alongside a layout that makes efficient use of the site in providing dwellings alongside a very good level of landscaping. Landscaping forming the retention of existing landscaping features including "plugged" areas and additional planting enhancing what is already on site. Furthermore, it will enable known ecological species to remain on the site in a manner that serves to ensure their protection while providing them with improved habitat. This is supported through the landscape management.

4.20 With respect to the adjacent Scheduled Ancient Monument, the development will serve to enhance the landscaping in close proximity to it in a manner that provides a good quality buffer to screen the development from the heritage asset so as to ensure that there is no detrimental impacts on it's setting or historic importance and has been accepted by Historic England as to not cause significant harm to it. Detailed discussions and amendments have taken place between officers, the agent and Historic England to form a now acceptable scheme to which no objection is raised from statutory consultees.

4.21 Overall the landscaping proposed is considered to be acceptable and will comply with adopted policy EN1 of the Melton Local Plan as well as policy B&D1 of the emerging Burton and Dalby Neighbourhood Plan.

4.22 **Housing Mix**

4.23 In the amended form proposed the development comprises the following housing mix;

	1-bed	2-bed	3-bed	4+ bed
Market	0 (0%)	0 (0%)	10 (33.3%)	20 (66.6%)

4.24 Policy C2 of the Melton Local Plan sets out the optimum Housing Mix requirements within the Borough as follows;

	1-bed	2-bed	3-bed	4+ bed
Market	5%	30%	45 – 50%	15 – 20%

4.25 When assessed within the provisions of Policy C2 of the Melton Local Plan, it can be seen that the development proposes a mix of dwellings with a total of 5 bungalows and 25 houses. These provide a range of bedroom numbers between 3 and 5, there will be 10 x 3-bed units (33.3%), 8 x 4-bed units and 12 x 5-bed units (66.3%). It can be seen from the above table comparison the housing mix differs from what is set out in the Local Plan as being the optimum mix for the Borough.

4.26 The housing mix incorporates 5 x 3 bedroom bungalows, which is considered to be a good amount for a site of 30 dwellings and particularly suitable for this site. It is considered that they would positively contribute to the development itself as well as the Borough, the provision of bungalows is supported through both the Local and Neighbourhood Plan and is a positive contribution to this scheme.

4.27 Whilst it is accepted that the mix of dwellings proposed falls outside of the optimum housing mix, due to the specific location of this site and the provision of bungalows, the mix is not considered unacceptable

4.28 It should be noted that the optimum housing mix requirements in Table 8 of the Local Plan are for the whole of the Borough, rather than required at a prescribed range of percentages on every site, and each site must be assessed on its own merits.

4.29 For reference it should be noted that while no affordable units are proposed through this reserved matters submission, a commuted sum of £880,000.00 was secured through the Section 106 legal agreement at outline stage to go towards affordable housing provision, thus ensuring an affordable housing provision is met. While current preference is for the provision of affordable housing on-site, as this is a reserved matters submission, there is no mechanism to re-consider this point.

4.30 **Impact upon residential amenities**

4.30.1 The layout of the development and the siting of the dwellings within that layout are such that when assessed against existing nearby dwellings there will be no over-looking or loss of light on their existing residential amenity due to the distances involved. While each dwelling does have 1 or 2 flank wall windows these serve first floor landings and or toilets. There are also a small number with secondary doors on flank walls which affords additional access to the rear gardens but does not result in any overlooking from these design features.

4.31 Furthermore, the arrangements of the dwellings within the layout is such that there will be no over-bearing or dominating impacts from any of the dwelling proposed on the other dwellings within the development.

4.32 Policy B&D2 of the Burton and Dalby Neighbourhood plan relates to dark night skies and requires proposals to demonstrate all opportunities to reduce light pollution have been taken while ensuring the measured and observed sky quality in the surrounding area is not unacceptably affected. It continues that if the installation of lighting is unavoidable, necessary and appropriate for new development, adverse impacts should be mitigated by control measures to reduce light pollution. No details of external lighting on the application

have been provided however a condition (No. 6) has been recommended requiring details of this to be provided to ensure as minimal impact upon the night skies as possible takes place.

4.33 Overall the development will not impact upon existing or proposed amenities and the proposal complies with adopted policies EN1 and D1 of the Melton Local Plan alongside policy B&D2 of the emerging Burton and Dalby Neighbourhood Plan.

4.34 **Highways and parking;**

4.34.1 The access to and from the site is via Sandy Lane which was approved at the outline application stage. This location is not being altered through this submission.

4.34.2 Through the amended plans provided, the scheme has been assessed by LCC Highways as the relevant Local Highway Authority (LHA).

4.34.3 While the LHA initially commented that the originally submitted scheme did not fully assess the highway impacts of the development, based on the amended plans and additional information provided they consider that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021) subject to conditions.

4.34.4 With regards to parking, as set out in the table in 4.19 above, the development comprises 30 dwellings (bungalows and houses) with each having 3 or more bedrooms. On the basis of the bedroom numbers proposed for each dwelling there is a requirement for the provision of 2 parking spaces for the 3-bed dwellings and 3 parking spaces for those dwellings with 4 or more bedroom. This is as per current standards.

4.34.5 An assessment of the parking spaces for the dwellings shows that these standards will be met and provided. The spaces are provided by way of garages as well as open spaces to the front or side of the dwellings. While the required number of spaces are provided for each dwelling, it is considered appropriate to attach a condition to any approval requiring the parking be provided prior to first occupation and retained thereafter for parking purposes.

4.34.6 The internal road layout and parking provision is considered acceptable and is in accordance with Policy D1 of the Melton Local Plan, Emerging Policy B&D15 of the Neighbourhood Plan and the principles outlined in the Adopted Design of Development Supplementary Planning Document (SPD).

4.34.7 **Heritage;**

4.35 Outside of, but in close proximity to the western side of the site is the St Mary and St Lazarus Hospital, moated site and two fishponds that comprise together to form a Scheduled Ancient Monument (SAM). Historic England have been consulted on the development and have engaged with Officers and the Agent for the application during the consideration of this proposal.

4.36 Historic England initially objected due to significant concerns relating to the development adversely affecting this heritage asset as well as its setting due to the harm it would have

on the significance that the scheduled monument derives from its setting. This was due primarily to the proposed landscaping and layout of the development.

4.37 Following continued dialogue between Historic England, officers, the applicant and their agent, including landscaping advisor, amended layout and landscaping plans were received altering the layout and landscaping elements of the proposal as a result of the discussions.

4.38 Through the discussions and amended plans, following re-consultation Historic England have commented that they acknowledge the positive steps taken in the latest iteration of this scheme, which have reduced the level of harm that would be caused to the significance of the scheduled ancient monument. On this basis, they no longer object to the application on heritage grounds, requesting that safeguards are put in place to secure mitigating elements.

4.39 Historic England also commented that the re-instatement of dense planting to the boundaries with the scheduled monument, will, in the long term, help to limit the visual impact of the proposal on the scheduled monument. Although the screening benefits will be limited before the planting has matured, ultimately the changes made in this latest proposal reduce the level of harm from that of previous versions.

4.40 Furthermore Historic England remains of the view that even when the planting matures, glimpsed views are likely to be possible. In particular, this is likely when moving through the landscape, in winter, and in areas where the band of planting is thinner. Together with the increased activity and associated sensory effects associated with residential use, this will lessen the sense of the monument's isolation from society, causing a degree of harm.

4.41 Following from this response, officers have looked at the amended scheme. The development will, by its nature on a site where previous buildings were Nissen huts of limited height, introduce a development of more urban feel than previously existed and this change will bring associated impacts on the adjacent SAM.

4.42 Such impacts include greater height, noise, traffic, people and light during evening periods. Further to this, the development will fill gaps in the existing hedgerows and supplement this with a high level of additional planting across the site that includes particular attention having been paid to the sites boundary with the heritage asset.

4.43 Ecological habitat creation and enhancement relating to Badgers and Great Crested Newts already in-situ on site will occur with some being in proximity to the sites boundary with the SAM. This will, in Officers' opinion, ensure the landscaping along that boundary is of a good level that minimises unacceptable impacts on the SAM. This opinion is supported by Historic England who have removed their objection.

4.44 As such Officers are satisfied that any harm resulting from the development is clearly and convincingly justified and outweighed by the public benefits of the proposal in accordance with National Planning Policy Framework (NPPF) paragraphs 200 and 202. This is due in part to the outline approval as well as the need for residential dwellings and the changes to the development secured through positive dialogue with the applicant. Furthermore, condition 4 of the outline approval requires the submission of a landscape management plan including for its long term management which will serve to ensure that the sites relationship with the adjacent heritage asset is protected and maintained.

4.45 Overall officers consider the proposal is acceptable and will not result in any unacceptable or detrimental impacts on designated heritage assets in a manner that would justify a refusal being issued and the proposal is in accordance with Policy EN13 of the adopted Melton Local Plan.

4.46 **Ecology**

4.46.1 A number of protected species are known to currently occupy the site and on this basis LCC Ecology were consulted.

4.46.2 Initial comments flagged a number of concerns including the site layout being different to that at the outline application stage. Their comments also included the absence of up-dated surveys as part of the submission. These points were put to the applicant and agent and revised information was received.

4.46.3 LCC Ecology have reviewed the revised documents submitted and are satisfied that the information provided is acceptable subject to the inclusion of conditions requesting final details of mitigation to be provided to and discharged by the LPA. On this basis they have no objections to the scheme.

4.46.4 Within the Burton and Dalby emerging Neighbourhood Plan Policy B&D8 relates to ecology and biodiversity which seeks to safeguard local ecological features shown within the emerging Neighbourhood Plan whilst also seeking to maintain and where possible enhance these and other ecological habitats and features.

4.46.5 Within the proposed scheme are measures to ensure existing on-site species – notably Badgers and Great Crested Newts – are protected while also provided with improved habitat and other features they require so as to ensure the provisions of this policy to safeguard the existence on the site. This is alongside the existing trees and hedgerows that will be retained and enhanced through the plugging of existing hedgerow gaps alongside other landscaping provided that includes shrubs, hedgerow and trees which will in turn provide for enhanced habitat on the site.

4.46.6 It is therefor considered that the proposal complies with policy EN2 of the Melton Local Plan and policy B&D8 of the emerging Burton and Dalby neighbourhood Plan.

4.47 **Drainage**

4.47.1 Initial comments received from Leicestershire County Council as Lead Local Flood Authority (LLFA) indicated that they had no objections to the development.

4.47.2 As a result of third party comments made to the LLFA, a response was received removing their comment of no objection to the proposal on the grounds of the drainage details having changed. This related to the location of drainage features on the road along which access to and from the site is secured.

4.47.3 Following discussions between the applicant, their agent, their drainage advisors and officers, details were received setting out the access arrangements, location of drainage and ownership points relating to the discharge point. These details were provided to the LLFA for up-dated comments.

4.47.4 Based on this information provided, the LLFA commented that although it confirmed that the outfall is located outside of the development boundary, the outfall is located within the ditch/verge of a public highway and as such, access is possible for maintenance.

4.47.5 Taking account of emerging Neighbourhood Plan Policy B&D Policy 25, on water management, the policy seeks the use of sustainable drainage (SuDs) measures within scheme. In this development a number of ponds are proposed that serve as sustainable drainage means which serve to address the points raised within this policy.

4.47.6 On this basis officers are satisfied the proposal is acceptable in terms of being able to provide sufficient space within the proposed layout for a drainage scheme to be located.

4.47.7 Drainage provision has been secured by Condition 14 of the Outline Planning Permission reference 15/00537/OUT the condition requires the full submission of details prior to commencement of development to be submitted to the Local Planning Authority for consideration and at that point technical information will be submitted to and considered by both the LPA and the LLFA.

5 Consultation & Feedback

5.1 Site notices were displayed along with neighbours being notified by letter.

5.2 A total of 16 letters of objection from 11 addresses and 1 letter of support have been received and are summarised in the appendices of this report.

6 Financial Implications

6.1 Not applicable.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 Legal implications, where applicable, have been included in the main body of the report. No specific issues are identified. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 15/00537/OUT - Demolition of existing structures and redevelopment of the site to create 30 dwellings (Use Class C3) including the refurbishment of an existing Nissen Hut to create a community space (Use Class D1) space for biomass boiler and associated open space, landscaping, drainage infrastructure and highways' improvements – Approved subject to a Section 106 Agreement – 19 May 2017

8.2 15/00410/EIA - Residential development of up to 30 homes and associated environmental improvements – Not required – 16 June 2015

8.3 14/00441/FUL - Development of a poultry farm (agricultural use) comprising seven poultry sheds, one farm worker dwelling and associated landscaping, drainage infrastructure and highways improvements – Allowed at appeal – 19 February 2016.

9 Appendices

9.1 Appendix A – Site History

9.2 Appendix B - Consultee Responses

9.3 Appendix C – Third Party Responses

9.4 Appendix D – Conditions

9.5 Appendix E - Informatives

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Appendix A – Site History
• 15/00537/OUT - Demolition of existing structures and redevelopment of the site to create 30 dwellings (Use Class C3) including the refurbishment of an existing Nissen Hut to create a community space (Use Class D1) space for biomass boiler and associated open space, landscaping, drainage infrastructure and highways' improvements – Approved subject to a Section 106 Agreement – 19 May 2017 • 15/00410/EIA - Residential development of up to 30 homes and associated environmental improvements – Not required – 16 June 2015 • 14/00441/FUL - Development of a poultry farm (agricultural use) comprising seven poultry sheds, one farm worker dwelling and associated landscaping, drainage infrastructure and highways improvements – Refused – 19 December 2014 • 12/00310/FUL - Poultry farm (agricultural use/development) – Withdrawn – 8 November 2013

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Appendix B – Consultee Responses
Amended Consultation responses **Burton and Dalby Parish Council – Object** -Initial comments objected to the proposal on the grounds that the Parish Council is very concerned that in its present (originally submitted) form this proposal retains none of the heritage and landscape mitigation measures that made the original 15/00537/OUT application acceptable to both the local community and the parish council. An assessment of the proposal has also been provided showing its location in relation to the surrounding area to set out its impact on heritage assets alongside the character and appearance of the area. -Lack of screening between the site and the adjacent SAM; -Visitor and heritage centre not shown on the submitted plans; -Removal of existing landscaping resulting in the scheme being more open to the surrounding area; -Ecological impact of the development through the lost landscaping and proposed building; -Lack of linkages between the development and surrounding area; -Omission of self-build provision within the scheme; -Failure to comply with provisions of outline decision notice; -Inaccurate information provided as part of the submission re the visibility of the site from a public right of way; -No play provision on the site; -Different from that shown on the drawings submitted as part of the outline approval; and -Conflict with policies. **Leicestershire County Council Lead Local Flood Authority – No objection** The previous LLFA response stated that evidence of developer control over the land on which the surface water outfall is to be located or an alternative outfall for which the developer has control needed to be submitted. Although it confirmed that the outfall is located outside of the development boundary, the outfall is located within the ditch/verge of a public highway and as such, access is possible for maintenance. It is acknowledged that the on-site ditch appears to drain to this point downstream and as such, a new connection here at greenfield rates, should not increase flows at the headwall location and to the downstream catchment. The LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters. **Leicestershire County Council Highway Authority - No objections;** The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not

conflict with paragraph 111 of the National Planning Policy Framework (2021) subject to conditions.

Leicestershire County Council Ecology – No objection;

A number of up-dated surveys have been received that provided up-dated information in respect of protected species known to be on site. The content of these have been found to be satisfactory however conditions will be required in respect of mitigation measures for these being submitted to and approved by the Local Planning Authority then implemented in accordance with the agreed details.

Leicestershire County Council Archaeology – No objection;

We agree with this conclusion of the trail trenching report. In accordance with the NPPF (Section 16, paragraph 205), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional Archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.

Historic England – No objections

Historic England acknowledges the positive steps taken in the latest iteration of this scheme, which have reduced the level of harm that would be caused to the significance of the scheduled monument. On this basis, Historic England no longer objects to the application on heritage grounds, however we request that safeguards are put in place to secure mitigating elements, as outlined in our advice below.

Notwithstanding this, we consider that some harm would still be caused and we maintain our concerns in this regard. Your authority should ensure that you are satisfied that any harm is clearly and convincingly justified and outweighed by the public benefits of the proposal in accordance with National Planning Policy Framework (NPPF) paragraphs 200 and 202.

The re-instatement of dense planting to the boundaries with the scheduled monument, will, in the long term, help to limit the visual impact of the proposal on the scheduled monument. Although the screening benefits will be limited before the planting has matured, ultimately the changes made in this latest proposal reduce the level of harm from that of previous versions.

Historic England remains of the view that even when the planting matures, glimpsed views are likely to be possibly. In particular, this is likely when moving through the landscape, in winter, and in areas where the band of planting is thinner. Together with the increased activity and associated sensory effects associated with residential use, this will lessen the sense of the monument's isolation from society, causing a degree of harm.

Environment Agency – No objections

Previous consultation replies can be found at https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8X8PXKO0GY00

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Appendix C - Third Party Responses
16 letters of objection from 11 addresses and 1 letter of support have been received commenting as follows. **Objections;** • Removal of mitigation in original housing plan • Earlier proposal was preferable • Loss of wild life pond • Increased visibility of development from surrounding rural area • Impact on local views • Loss of trees and hedgerows • Little concern over heritage • No passing bays • Road not wide enough • Rat runs • No account of surviving historic features • Stanton Air Raid Shelter remains in situ and should be preserved and restored • History of site should be preserved • Footpath connection removed linking through to Burton Lazars • Enough larger detached properties in the area • Road links are not adequate • No Community Building • Concern over setting to historic Scheduled Monument and its setting. • Lorries would have to go through residential areas • Not in accordance with draft Neighbourhood Plan • No communication or dialogue has been held with neighbouring land owners or farmer for the opportunity of footpaths on their land. **Support** • The sooner the dwellings get built the sooner current anti-social behaviour on the site will stop along with the authorised use of the site for poultry purposes which brings noise issues.

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Appendix D – Conditions
1)The development hereby approved shall be carried out in accordance with the following documents and drawings; Drawings; -Survey plan 15 50 01; -Location Plan 15 50 05; -House type A1 3-bed 15 50 07_01 Rev B dated March 2021; -House type A1 3-bed 15 50 07 Rev A dated November 2020; -House type C1 4-bed 15 50 08_1 Rev C March 2021; -House type C 4-bed 15 50 08 Rev D March 2021; -House type V1 5-bed 15 50 09_01 Rev C March 2021; -House type B2 5-bed 15 50 08-9_2 Rev B March 2021; -House type D1 3-bed bungalow 15 50 10_1 Rev B; -House type D2 3-bed bungalow 15 50 10_2; -House type E1 5-bed 15 50 11_1 Rev A March 2021; -House type E 5-bed 15 50 11 Rev B March 2021; -Revised Site Layout Plan 15 50 14 Rev G; -Landscape Master Plan EML SH 1100 01 Rev D; -Landscape Plan and photos EML SH 1100 02 Rev B; -Section Elevations Sheet 1 of 2 EML SH 1100 03 Rev A; -Section Elevations Sheet 2 of 2 EML SH 1100 04 Rev A; -Landscaping Views from St Site of St Lazarus Hospital EML SH 1100 05 Rev A; -Archaeological report ref 2021-029 by University of Leicester; -82046-101-P1 by PRP dated April 2021; -82046 Maintenance Schedule by PRP dated April 2021; -4651990 KS Comm Biodisc 8pg_1000; -C20.7545 SmartServPro_Sales_Presenter_CM; -DS0721P-04 (BH – BL BIODISC); and -ZZ – 82046 – Management Schedule for Surface Water Drainage dated December 2021 **REASON**: For the avoidance of doubt. **2)** The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects drawing number 15/50-14C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with both the National Planning Policy Framework (2019) and policy IN2 of the Melton Local Plan.

3) No part of the development hereby permitted shall be occupied until such time as 1.0 metre
by 1.0 metre pedestrian visibility splays have been provided on both sides of each access within
the site with nothing within those splays higher than 0.6 metres above the level of the adjacent
Footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

4)The parking spaces, including garages, shown on the approved drawing numbered 15 50 14 Rev G shall be provided prior to the first occupation of each dwelling and retained thereafter for parking purposes in association with the dwelling to which they relate with the garages being used for parking purposes only and for no other purpose.

REASON: To ensure the parking spaces shown on the approved plans are provided then subsequently retained in accordance with policy IN2 of the Melton Local Plan.

5) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

REASON: In the interests of protecting amenity of neighbouring dwellings in the development hereby approved in accordance with policy D1 of the Melton Local Plan.

6) No external lighting shall be provided until full details, to include locations, level of illumination, angles, means of maintenance etc., have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details unless otherwise agreed in writing by way of a subsequent discharge of condition or non-material amendment submission.

REASON: To ensure the external lighting is positioned and of a type so as to not adversely impact upon neighbouring amenity or protected species while also ensuring its maintenance in accordance with policies EN1, EN2 and D1 of the Melton Local Plan.

7) No above ground works shall take place until drawings showing the elevations and material details of all site and plot boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details to be retained thereafter.

REASON: In the interests of visual amenity as well as to ensure the visual appearance and materials of all boundary treatments are acceptable then subsequently retained and maintained accordingly in accordance with policy D1 of the Melton Local Plan.

8) No development shall commence on site until all existing trees and hedgerows that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

REASON: To ensure that existing trees and hedgerow are adequately protected during construction in the interests of the visual amenities of the area in accordance with policy EN1 of the Melton Local Plan.

9) No development shall commence until an Ecology Mitigation Report, to include as a minimum Great Crested Newts, Badgers and Reptiles alongside mitigation measures associated with all species has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details including mitigation measures.

REASON: To ensure the protection and appropriate mitigation of protected species in accordance with policy EN2 of the Melton Local Plan.

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Appendix E – Informative
1. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. 2. In respect of Condition 9 relating to the provision of up-dated ecological surveys, the applicant is advised that in respect of badgers the location and form of setts shall be included in the information provided.

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Melton Borough Council

Helping people | Shaping places

Planning Committee

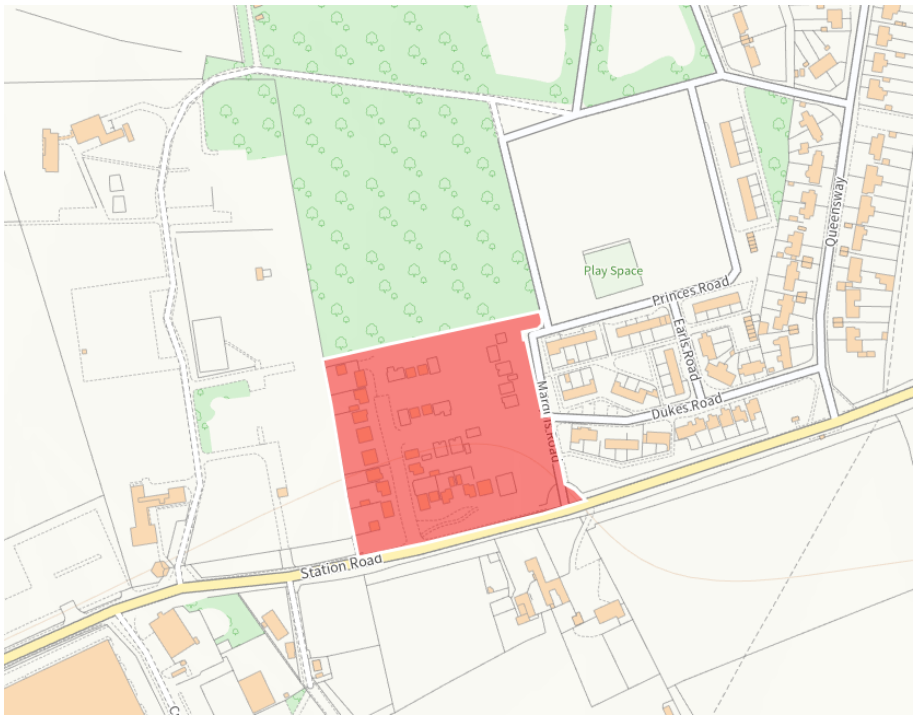
10 November 2022

Report of: Assistant Director for Planning and Delivery

Variation of Planning Obligation within previous Section 106 Agreement associated with 15/00017/OUT Land West of Marquis Road and North of Station Road Old Dalby

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Joe Orson, Councillor
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary



1.1 The purpose of this report is to consider proposed amendments to the Section 106 agreement associated within this application that have been requested by the applicant.

1.2 Planning Permission was granted in 2016 for residential development 15/00017/OUT on appeal following refusal by the Council (PINS Reference APP/Y2430/W/15/3135191). The permission grants outline consent for residential development of up to 39 dwellings and associated works and reserved matters approval has been granted for all reserved matters pursuant to application reference (18/01436/REM)

1.3 The associated s106 took the form of a 'Unilateral Undertaking' considered by the Inspector within the appeal proceedings. The Undertaking included provision for affordable housing units as 40% of the total units which equates to 16 dwellings. The Affordable Houses are specified to be "Social Rented Units, New Build Homebuy and Intermediate Affordable Housing Units"

1.4 It required submission of scheme for the housing setting out the detailed provision and tenure mix of these properties along with details of phasing, nomination rights, occupancy limitations and details of the provider.

1.5 In support of the request, the developers advise that, approaches have been made to a number of RPSH's (housing associations) with a view to entering into legal arrangements to sell the on-site affordable to an RPSH. Such approaches have been unsuccessful and the applicant has demonstrated that it is unable to secure a RPSH (housing association) for the 16 affordable housing units required on the site with the tenure as currently set out in the s.106 UU.

1.6 The S106 Unilateral Undertaking does not contain a provision whereby an alternative tenure of affordable housing or a commuted sum can be provided in the event a registered provider cannot be found for the Affordable Housing as currently defined. It is for that reason, this application to modify the S106 Undertaking has been made.

1.7 A series of amendments to the existing s106 are proposed to facilitate this revised approach, an alternative scheme that the Owner will provide 50% of the affordable housing units (i.e. 8 units) as Discounted Market Dwellings and 50% (i.e. 8 units) as Affordable Housing for Rent, with the Affordable Housing for Rent being transferred to The Council at an agreed price.

1.8 If such a proposal is considered acceptable, it would be necessary to amend the S106 UU to provide the above tenure and split and also to enable the transfer of the Affordable Housing for Rent to The Council. it is suggested that the variation to the existing S106 UU to formalise the proposal would include :-

- Utilising the definitions of Discounted Market Units and Affordable Housing for Rent as set out in the National Planning Policy Framework (NPPF).
- Securing that the Affordable Housing for Rent operate under the Council's housing allocations Policy and apply the local connection criteria.
- Securing that the Discount Market Units are restricted in terms of value, purchaser and longevity in accordance with the Council's mechanism.

RECOMMENDATION(S)
1. It is recommended that: (ii) the request for a Deed of Variation is agreed

2 Reason for Recommendations

2.1 The proposed tenure mix would result in delivery of affordable housing of a type for which there is local need (as set out at 4.1.3)

2.2 It has been adequately demonstrated that the configuration in the original s106 has not been of interest to providers

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 The deed of variation would impact on the composition of the provision of affordable housing, and raises matters, which in the opinion of the Director of Growth and Regeneration, in consultation with the Chair, should be referred to the Planning Committee under Chapter 2, Part 9 of the Constitution

3.2 Relevant Policies

3.2.1 Policy C4 of the Adopted Local Plan relates to affordable housing and requires 25% affordable housing in Old Dalby, of various tenures. It should be noted that the s106 in this location was determined significantly before the Local Plan was adopted and the Neighbourhood Plan was made, and that the figure of 16 equates to 40%.

3.2.2 The adopted 'Affordable Housing and Housing Mix SPD' (July 2019) elaborates on the quantity, mix and tenure of affordable housing and also states that in rural areas occupancy conditions shall apply.

3.2.3 Neighbourhood Plan policies require;

- Policy H5: Affordable Housing Provision - Development proposals for new housing where there is a net gain of more than ten dwellings should provide at least 25% affordable housing, or other figure within the Local Plan.

3.3 Main Issues

3.3.1 The main issues associated with this proposal are considered to be whether the proposed (new) Tenure Mix is acceptable

5 Report Detail

5.1 Background

5.1.1 The planning application was granted on appeal in 2017 and was approved, with a S106 'Unilateral Obligation' taking effect pursuant to the Inspector's decision to provide affordable housing. Detailed within the S106 Agreement is a requirement for 40% Affordable Dwellings, with tenure unspecified (in detailed terms) but to include "Social Rented Units, New Build Homebuy and Intermediate Affordable Housing Units". The exact type and mix was to be agreed through the submission of 'a scheme'

5.1.2 The Local Plan does not specify a required, or preferred, tenure mix but the Supplementary Planning Document advises that the Council's approach is to facilitate the negotiation of affordable housing and housing mix in order to:

- Ensure positive and flexible approach to facilitating sustainable development;
- Maximise the quantum and quality of affordable housing delivered;
- Ensure residential developments create mixed and balanced communities
- Ensure reasonable returns for developers

5.1.3 The Housing Mix and Affordable Housing Supplementary Planning Document (SPD) (adopted July 2019) states that the Council's starting point is a tenure target of 80% affordable housing for rent and 20% affordable home ownership e.g. Discounted Market Sale; Starter Homes; Rent to Buy or Shared Ownership. This tenure target derives from the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), January 2017, which provides evidence on the tenure split of affordable housing needed across the whole Borough. It states that in Melton Borough, 80% affordable housing for rent and 20% affordable home ownership (formerly intermediate housing in the 2012 NPPF) is needed.

5.1.4 Fort this site, the tenure split would equate to 12 affordable housing for rent and 4 for Discounted Market Sale. The applicant (Rippon Homes) submitted viability information showing they could not afford to sell that many dwellings as affordable housing for rent (it is accepted that affordable housing for rent cannot be sold for as much as the Discount Market Sale Dwellings) and the reason why negotiations concluded with 8 x affordable housing for rent and 8 x Discounted Market Sale.

5.1.5 The Housing Policy Officer is supportive of the proposal: a RPSH could not be secured to buy the affordable housing dwellings with the tenures currently required by the s.106 UU and this Deed of Variation proposes an alternative tenure mix (50% affordable housing for rent (8 dwellings) and 50% Discounted Market Sale (8 dwellings), which the Council, as a RPSH are interested in buying.

5.1.6 The revised tenure would meet current affordable housing needs for that area. The Housing Needs Survey (2014) for the parish, undertaken by Midlands Rural Housing, identified a total 11 households in need of affordable housing for rent and 3 households in need of shared ownership.

5.1.7 Since the Housing Needs Survey was undertaken, only 2 affordable housing for rent dwellings have been delivered at Longcliffe Hill, Old Dalby (at allocation: OLD1) and a

planning commitment for a further 2 affordable housing for rent dwellings at Heckadeck Lane, Nether Broughton.

5.1.8 Therefore, this proposal will satisfy the unmet need.

6 Consultation & Feedback

6.1 The Ward Councillor has not provided written feedback on the proposal

7 Financial Implications

7.1 The financial implications arising from this request are limited to the costs of amending the s106 agreement. It is expected that the developers would cover the Council's costs in this respect

Financial Implications reviewed by: N/A

8 Legal and Governance Implications

8.1 Variation of S106 is required to be agreed by the successors to the original signatories (as owners) to the s106 and the Council also as signatory in its capacity as Local Planning Authority.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

9 Background Papers

9.1 15/00017/OUT Committee Report and appeal decision Reference APP/Y2430/W/15/3135191

9.2 Original Section 106 Agreement

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