

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 26 July 2018</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>

## Present:

**Chair** Councillor J. Illingworth (Chair)

**Councillors** P. Baguley T. Bains  
G. Botterill P. Cumbers  
P. Faulkner M. Glancy  
T. Greenow E. Holmes  
L. Higgins

## **Observers**

**Officers** Solicitor To The Council (RP)  
Assistant Director for Strategic Planning and Regulatory Services  
Planning Officer (JL)  
Development Manager (LP)  
Administrative Assistant (JD)  
Administrative Assistant (KS)

Minute No.	Minute
PL20	<p><b>Apologies for Absence</b>  Cllr Rhodes, substituted by Cllr Higgins  Cllr Posnett</p>
PL21	<p><b>Minutes</b>  Minutes of the meeting held on 5<sup>th</sup> July 2018.</p> <p>Approval of the minutes was proposed by Cllr Greenow and seconded by Cllr Faulkner. It was unanimously agreed, by the members who were present at the previous meeting, that the Chair sign them as a true record.</p>
PL22	<p><b>Declarations of Interest</b>  None</p>
PL23	<p><b>Schedule of Applications</b></p>
PL23.1	<p><b>17/01346/FUL</b>  <b>Applicant: PDRH Limited:- Peter Dunn</b>  <b>Location: Bottesford Filling Station, Grantham Road, Bottesford</b>  <b>Proposal: Proposed retail convenience store, associated external works and access alteration.</b></p> <p>(a) The Development Manager (LP) presented the report and stated that:  This application is a full application that seeks permission for a proposed retail convenience store with associated external works and access alteration.  The store would be single storey and would provide a retail sales area of 282 square metres and would also have a staff area, wc, office and chill stores. The building would be steel framed with cladding finish and red facing brickwork. The unit would have a pitched roof with an eaves height of 3.8 metres and ridge height of 6.8 metres.  Since the publication of the report, the applicant has requested that members are made aware of the legal opinion that has been produced from No 5 Chambers and this has been circulated accordingly.  One further objection has been received since the report published and the objector has requested this be circulated to members of the committee, which again this has been done.  The objection makes reference to the impact of the proposal on existing facilities, which is largely covered in the committee report however it uses the phrase significant adverse impact and risk of closure being increased, however no evidence has been submitted to the LPA to demonstrate that existing businesses will close as a direct result of this application.  Overall it is considered that the proposed retail unit would be sited within a sustainable area providing a local service for the village, create employment</p>

and would reuse previously developed land, as such the proposal is considered to be compliant with both local and national policy including recent revisions and is recommended for approval with a slight amendment to condition 11 that rewords the opening hours to include Saturday and Sunday not just Monday to Friday.

The Assistant Director of Strategic Planning and Regulatory Services read out a statement from Cllr Chandler, the Ward Councillor:

(b) Alan Gough, on behalf of the Parish Council, was invited to speak and stated that:

- Impact assessment states that the forecast for the store will draw 20% of turnover from Melton, however the transport from Bottesford to Melton is not good
- Competition from Bingham etc.
- Impact assessment gives no information on trading data for other businesses such as the butchers and greengrocers
- No evidence to back up details such as 50% of people will be people passing adlib
- Bungalow adjacent to the right of the site have problem with tree on site. This is not on the original plan however the write up states they are to be taken out
- Traffic concerns

A Cllr asked if residents were in favour of the proposal or not.

Mr Gough stated that most are not against the application but have concerns on access and parking.

A Cllr asked if the opening hours of the garage were a problem.

Mr Gough stated that they were not and that a shop will be quieter than a petrol station.

(c) Amy Cockayne, objecting on behalf of the Co-Operative Group, was invited to speak and stated that:

- Adverse impact on viability and vitality
- Not sound or objective assessment
- Council has not sought further independent advice on assessment
- Underestimation of turnover of the proposed supermarket by 70%
- Unrealistic expectations of the ability of the proposed supermarket to draw expenditure back to Bottesford
- Lack of consideration of the trade diversion from the central supermarkets
- Contrary to National and Local Planning Policies
- Out of centre location
- No quantitative need for additional floor space within rural areas

- Impact on village centre

A Cllr asked if the assessment had included the new homes to be built in Bottesford.

Ms Cockayne stated the applicant's assessment had been reviewed.

(d) Christian Hawley, on behalf of the applicant, was invited to speak and stated that:

- Risk Impact Assessment supplied and updated sequential test undertaken
- No preferable sites in the centre of the village
- Policies in emerging Local Plan complied with
- No adverse impact on village centre
- No alternative assessment supplied from Pegasus Group
- No sequentially preferred sites
- Traffic is not be people coming from Melton but going to Melton to do shopping – this provides an alternative to shop locally
- Brownfield previously developed land
- Delivers employment and brings site into use

A Cllr asked what the importance of the extra hour is if opened from 6am-11pm instead of 7am-10pm.

Mr Hawley stated that it allows for morning set up, more efficient business and traffic movements would be minimal.

A Cllr asked if these hours were usual for equivalent shops.

Mr Hawley stated that it was dependant on the location and trading patterns.

A Cllr asked what time the lorry movements would be.

Mr Hawley stated that there could be a condition on delivery if this was a concern for local amenity.

A Cllr asked what time delivery would be made for fresh products and whether residents would be woken by reversing beeps.

Mr Hawley stated that this is dependant on the business and can be restricted if there are concerns. Products will not be delivered on HGV vehicles.

A Cllr noted that there is a difference between risk and direct impact.

A Cllr asked for clarification on whether it is the officer's job to check the validity of a risk impact assessment, or if it is up to the objectors.

The Development Manager (LP) advised that it is a mixture of both.

**Cllr Baguley proposed to defer the application** to gather further evidence on the other two stores, especially Queen Street and the Post Office.

**Cllr Glancy seconded the proposal to defer** and stated that we needed to be clear on impact, and we need an up to date assessment. She stated she is not against the development but would like further information.

A Cllr disagreed and stated that there was enough information.

A Cllr stated that there was not much objection from the residents.

A Cllr had concerns on noise for residents nearby and stated that the opening hours should be 7am-10pm.

The Development Manager stated that there would be acoustic fencing on the boundary and a noise barrier. Further information on noise issues could be found on page 5 of the report.

A Cllr was concerned that the new store would impact other businesses.

The Chair advised that commercial competition is not a planning matter and the NPPF states that facilities in villages must be promoted and retained. Must promote growth in transport of walking and cycling, and support local amenities.

A vote was taken to defer the application. 2 Members voted in favour of deferral, and 8 Members voted against.

**Cllr Greenow proposed to permit** the application as in the report with the alteration to condition 11 to read 06.00-23.00hrs Monday to Sunday inclusive.

**Cllr Cumbers seconded the proposal to permit.**

**Determination: PERMIT, subject to the conditions as set out in the report with the amendment of condition 11 to read : *The store shall only be open to the public during the following hours: 06.00-23.00hrs Monday to Sunday inclusive.***

REASONS: The proposed retail unit would be sited within a sustainable area providing a local service for the village, create employment and would reuse previously developed land. The proposal is supported in principle in policy terms by emerging local and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. Furthermore, the proposal would not be harmful to the vitality or viability of the existing retail provisions in the village. As such, the proposal is considered to be compliant with the emerging Local Plan policies referred to above and principles of the NPPF.

**Applicant: Fairyhill Ltd:- Robert Fionda**

**Location: Land North of Pasture Lane, Gaddesby**

**Proposal: Outline planning approval for 11 No. dwellings.**

(a) The Planning Officer (JL) presented the report and stated that:

No late items to report.

The application seeks outline permission to erect 11 dwellings. The application site is proposed allocated site GADD2 of the emerging Local Plan, which has a capacity for 11 dwellings. The application is for outline permission for access to be considered.

The recommendation is for the approval of the application, subject to conditions and a S106 agreement for provision for affordable housing and a contribution to Leicestershire County Council libraries.

(b) Chris Shatford, an objector, was invited to speak and stated that:

- Unsuitable for development
- Gypsum minerals consultation area
- Grade 3A greenbelt land
- Damaging to landscape
- Negative effect on character of setting, typography and skyline
- Limited opportunity to accommodate residential developments
- Detrimental impact in terms of biodiversity and geodiversity
- Great Crested Newts on site
- Ridge and furrow land arrangement
- Flood risk – heavy clay soil
- Disconnected from village
- Significant exacerbation problem in terms of Highways
- Unsustainable roads
- Traffic concerns
- Lack of economic opportunity in village
- School will be full in 3 years
- No developer contributions

A Cllr asked how it can be predicted that the school will be full in 3 years.

Mr Shatford stated that reception and years 1 and 2 are already at capacity.

A Cllr stated that highways have raised no objections and asked why it was felt the roads are not sustainable.

Mr Shatford stated that the traffic volumes are considerable.

(c) Ian Lowe, the agent, was invited to speak and stated that:

- Forms provision to meet housing need
- Broad mix of house types
- Sustainable growth

- Highways, ecology and neighbours all considered
- Access from Pasture Lane with fill visibility splays
- Sufficient off street parking
- Pond translocated to edge of development and enhanced
- Wildlife corridor and trees retained
- Bungalows included to the north west to reduce the mass of development

The Chair stated that bungalows in villages are welcomed; however as it is only an indicative plan he asked if this was definite and if it could be conditioned.

Mr Lowe stated that it is intended; however it would need to be discussed.

The Planning Officer stated that condition 9 deals with visibility splay and condition 10 relates to pedestrians. There were no objections from LCC Ecology, LLFA or Highways. There is no requirement for a contribution to education. Allocated site in the Local Plan. It is a rural hub and sustainable location. The impact on the landscape can be mitigated and the layout is only indicative.

A Cllr stated that the proposal benefits from affordable housing. 3 bed bungalows can be land hungry. There is a school and employment opportunities nearby, with good transport links.

A Cllr had concerns on drainage.

The Planning Officer stated that condition 11 related to surface water drainage.

**Cllr Greenow proposed to permit** the application as per the recommendation.

**Cllr Botterill seconded the proposal to permit.**

A Cllr asked which condition deals with the affordable housing.

The Assistant Director of Strategic Planning and Regulatory Services stated that it was the 106 in the recommendation.

A vote was taken and it was unanimously decided that the application should be approved.

**Determination: PERMIT, subject to:**

- a) **The completion of an agreement under S106 for the following:**
  - (i) **A contribution for Leicestershire County Council Libraries, as set out in the report above.**
  - (ii) **The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs.**

**b) Conditions as set out in the report.**

REASONS: Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Gaddesby is considered to be a sustainable location having access to a primary education, village hall, public house and a bus service. It is considered that these are material considerations that weigh in favour of the application. In addition to this, the application site forms GADD2, a proposed allocated site in the emerging Local Plan and will help to deliver housing in the Borough.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state, the impact on the character of the rural village, highways concerns and ecological concerns.

It is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular, taking into account that the site is an Allocated site in the emerging Local Plan. The balancing issues – development of a green field site and impact upon character and landscape are considered to be of limited harm. This is because, in this location, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, the site is also allocated for development in the submitted Melton Local Plan.

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits.

PL23.3

**18/00519/FUL**

**Applicant: Mr N Ainge**

**Location: 4 Vulcan Close, Melton Mowbray**

**Proposal: Change of use of a parcel of land to domestic.**

- (a) The Development Manager presented the report and stated that:  
This application relates to a full planning application for the retrospective consideration of land to be utilised as garden area for the residential property known as 4 Vulcan Close. The parcel of land has been sold to the applicant by the recently completed Aldi Store adjacent to the site. The application is presented to members as the applicant is a member of staff. There have been no updates to the report since it has been published and it is considered that the proposal creates a more practical size and shape to the existing property and would not adversely impact upon the surrounding area or occupants, the proposal is therefore recommended for approval as per the report.



**Cllr Holmes proposed to permit** the application.

**Cllr Glancy seconded the proposal to permit.**

A vote was taken and it was unanimously decided that the application should be permitted.

**Determination: PERMIT, in accordance with the conditions as set out in the report.**

REASONS: The proposal creates a more practical size and shape to the existing garden. The proposed development has nominal impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the applicable policies and guidance.

PL24

**Urgent Business**

The Assistant Director of Strategic Planning and Regulatory Services advised Members that the Planning Inspectorate had approved an appeal decision in Wymondham in which the provisions of the Neighbourhood Plan – which formed the basis for the refusal – have been overridden, and that the LPA are now awaiting the costs decision.

The meeting closed at: 5.15 pm

Chair