

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 4 March 2021</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors** P. Posnett MBE (Vice-Chair) R. Bindloss  
R. Browne P. Chandler  
P. Faulkner L. Higgins  
E. Holmes M. Steadman  
P. Wood C. Evans (Substitute)

**Observers** A Hewson

**Officers** Assistant Director for Planning and Delivery  
Locum Planning Solicitor  
Solicitor  
Planning Officer (KT)  
Democratic Services Manager  
Democratic Services Officer (SE)

<b>Minute No.</b>	<b>Minute</b>
PL87	<p><b>Apologies for Absence</b> An apology for absence was received from Councillor Hewson and Councillor Evans had been appointed as his substitute.</p>
PL88	<p><b>Minutes</b> The minutes of the meeting held on 4 February were confirmed and authorised to be signed by the Chair.</p>
PL89	<p><b>Declarations of Interest</b> Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Minute PL91 : 20/00219/FUL– Overbrook, 2 Mill Lane, Long Clawson</u> Councillor Steadman confirmed that she would be representing her ward on this application by making a representation to the Committee. She would therefore leave the meeting during debate and not vote on this item in accordance with the Council’s Procedure Rules.</p> <p><u>Minute PL92 : 19/01130/OUT - Land south of Cleves Close, Melton Mowbray</u> Councillor Posnett declared a personal and pecuniary interest in this application and confirmed that she would leave the meeting during debate and not vote on this item in accordance with the Council’s Procedure Rules.</p> <p><u>Minute PL93 : 20/01514/GDOCOU - Cross Roads Farm, Scalford Road, Eastwell</u> Councillor Holmes stated that as a neighbouring farmer to the application site (being half a mile from her farm), she had taken legal advice and reported that she had no interest on this application.</p> <p><u>Planning Service Review</u> Councillor Higgins thanked those involved in the Planning Reference Group which was a group made up of Members and Officers as well as the Planning Advisory Service. He reported that the group was looking at the planning process and how it worked, the feedback and recommendations from which would be presented to Members in due course. He reported that the Planning Advisory Service had congratulated the Chair, Vice Chair, Members and all the Planning team on the conduct of the Planning Committee which they reported was one of the best they had seen. He also referred to the acknowledgement of support for residents in making them feel at ease and encouraging engagement on planning applications.</p> <p>The Chair thanked the Committee Members for their support and for their involvement and contributions in making the Committee work so well.</p>

**Application 20/00219/FUL**

<b>Reference:</b>	20/00219/FUL
<b>Location:</b>	Overbrook, 2 Mill Lane, Long Clawson
<b>Proposal:</b>	2 Mill Lane - Demolition of existing bungalow and small storage buildings, replacement of existing vehicle bridge over brook, construction of new driveway, construction of 3 no. new single storey dwellings, construction of new carpark area for surgery parking only, new flood compensation area adjacent to brook. Land between 9-11 Mill Lane - Removal of carpark area, construction of 1no. new dwelling. Hybrid application Full planning - replacement of vehicle bridge, new driveway and new dwelling on plot 1. Outline planning - residential plots 2, 3 & 4, new carpark area, new flood compensation area. Matters of layout to be considered.

(Councillor Steadman declared her intention to speak as Ward Councillor on this application and here left the Committee and moved into the public speaking gallery.)

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary as follows:

- This application comprised two sites on Mill Lane in Long Clawson.
- A number of amended plans and documents had been received during the course of the application to address concerns raised regarding the overdevelopment of land between 9-11 Mill Lane, the siting and layout of the dwellings on 2 Mill Lane and the impact upon flooding/drainage.
- As a result, the number of dwellings on the eastern part of the site had been reduced by 1, Plot 1 had been sited further away from the boundary with neighbouring property to the north and the carport for plot 3 had been removed from the plans.
- The parking area was already sited within the conservation area of which the identified harm (less than substantial) would need to be weighed against the benefit of providing a much needed dedicated parking area for the nearby medical practice
- It was not considered that the development would result in adverse impacts upon residential amenity or highway safety/parking, subject to detailed design at reserved matters stage.
- The application had been supported by a Flood Risk Assessment and Surface Water Drainage Strategy which proposed betterment to the existing situation and provided an increase in the flood plain storage area. Even though the flood compensation area was increasing the flood plain storage area, there was scope to increase this area further should Members consider this was required
- Concerns had been raised regarding the connection to the sewer however lengthy discussions had been undertaken with Severn Trent Water regarding this part of the site and they subsequently did not raise any objections with the proposals put forward. The final connection point to this sewer would be secured at the S106 approval stage with Severn Trent Water (STW) which would not form part of the planning process. The STW consent regime allowed

them to exert control over sewer capacity issues and was not a matter that should be duplicated through planning powers

- Overall given the proposed drainage scheme put forward and the improvements to the existing situation, it was not considered reasonable to refuse on drainage grounds
- He hoped Members had visited the site
- The Ministry of Defence was considering whether to call in the application and was awaiting the Committee's decision

Mr Worley responded as follows to queries raised by Members:

- The car park drainage had been factored into the drainage plan and for flood risk
- The distance between the car park and the surgery was approximately 30 yards and the car park would be for staff use not for patients
- With regard to concern at the recent flooding of The Sands which was felt to be due to the culvert being blocked and had been estimated as a 50 percent blockage, page 27 of the pack referred to flooding details and the LLFA report was not yet available. The development would result in betterment in relation to drainage matters

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:

- Peter Briggs

In response to a Member question, Mr Briggs considered that drainage from the site would run towards his home.

- Richard Cooper, HSSP

In response to Member questions, Mr Cooper responded

- The car park would be for staff use and become a permanent arrangement rather than the current informal position
- At the request of the Highway Authority, the bridge would be widened and would run into the LCC owned verge which would require permission and this was outlined in the officer's report
- With regard to a guarantee that the silt would not accumulate over winter and cause flooding, Mr Cooper responded that the underground attenuation would be enclosed and be made up of a series of cellular crates that would not take in ground water but take water from hard paved surfaces that was clean water. There was also a planning condition which set out that the flood risk assessment had a maintenance recommendation which was included in the conditions.
- Councillor Mel Steadman, Ward Councillor

Concern was raised at the detriment to local views as a result of the development. It was noted that the Neighbourhood Plan identified a number of important views in

the Parish and stated that 'proposals which would have an unacceptably detrimental impact on these views and vistas will not be supported.' Mr Worley advised that Members would need to form a judgement on whether there was an unacceptable detrimental impact in this case.

With regard to the extent of the floodplain, Mr Cooper advised this was 9 cubic metres and could be larger if the Committee felt this was required.

It was asked why the report stated the existing building was unsympathetic to the street scene and Mr Worley referred to an example of a 1950s bungalow.

On the STW position and the capability of the existing sewers, it was noted that they would assess the capacity once planning was given but not before and it was within their control. There were several drainage conditions attached to the application as well as a management plan therefore there was no need for any further conditions to be applied of this type.

Members were concerned that this assessment was not done in advance of development. It was reported that this had been mentioned to STW several times.

During discussion the following points were noted:

- There was concern at recommending this application for approval when the Council already had 11.6 land supply
- There was concern at how the site could be made safe against flooding and the Committee should not take the risk in approving this development
- The application should not be determined until STW had provided a response on the capability of the sewer system
- The flood risk could impact on local healthcare should the surgery be flooded
- Members felt the application was in conflict with Neighbourhood Plan policies ENV8, C9, EN1, EN6, H7d, H4c and Local Plan policies EN1 and EN6 and EN11
- It was noted that professional evidence was needed to prove flooding was an issue on the site and this was not available. Therefore to refuse the application on flooding grounds would make the Council at risk at appeal
- Members felt they knew there would be flooding in the village but could not prove that it would be made worse by the development. Therefore it would be prudent to not include flooding policies in the reasons for refusal
- It was considered the Leicestershire County Council report made it clear that it was a high risk area and that flooding should remain in the refusal decision
- Some Members felt strongly that flooding policies should not be included as there was no evidential basis and the other policies would make for a more sound refusal
- There was some support for the housing but it was felt the surroundings and impact needed to be prioritised
- The Assistant Director felt more comfortable without the reference to flooding

Councillor Holmes proposed to refuse the application on the grounds of being in conflict with EN1, EN6 and C9 of the Adopted Melton Local Plan 2018 and ENV 8 and H7(b) of the Clawson, Hose and Harby Neighbourhood Plan 2018. Councillor Evans seconded the motion.

**RESOLVED**

That application 20/00219/FUL be REFUSED, contrary to the Officer recommendation set out in the report, for the following reasons:

The proposed car park would be in a prominent location and would be unattractive and inconveniently located. It would have an unacceptably detrimental impact on 'view 16' as identified in the Clawson, Hose and Harby Neighbourhood Plan 2018 which makes an important contribution to the local distinctiveness of the landscape and the character of the settlement.

The proposal would therefore be contrary to policies EN1, EN6 and C9 of the Adopted Melton Local Plan 2018 and ENV 8 and H7(d) of the Clawson, Hose and Harby Neighbourhood Plan 2018.

(9 for, 1 abstention)

(Councillor Steadman here re-joined the meeting.)

PL92

**Application 19/01130/OUT**

<b>Reference:</b>	19/01130/OUT
<b>Location:</b>	Land south of Cleves Close, Melton Mowbray
<b>Proposal:</b>	Outline application for the erection of 10 dwellings of different house types and access only

(Councillor Posnett here left the meeting due to her personal and pecuniary interest declared at Minute PL89.)

The Planning Officer (KT) addressed the Committee and provided a summary of the application and summarised that the recommendation was for approval subject to the following updates:

- Environment Agency was to be added to the Plans list
- Due to the current use of the site and the building materials stored there, a new condition could be included relating to keeping a watching brief on contamination issues
- The application be delegated to the Assistant Director for Planning and Delivery to enable a s106 agreement to be completed

The Planning Officer responded to the following Member questions:

- There was an indication that a footpath would be included at the access but if not could be added at the reserved matters stage
- The site currently had agricultural use
- Cleves Close was not adopted
- The applicant had a right of access including services to the site
- Planning permission did not override private rights and this needed to be by negotiation with relevant parties
- Management arrangements with existing residents needed to be discussed with

those residents

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:

- Damian Ferguson
- Nick Cooper, HSSP

In response to a Member question, Mr Cooper advised that the applicant had consulted their solicitor and they had right of access to the site and to access services.

In response to Member questions, the Planning Officer responded :

- She was comfortable that an appropriately sized access could be achieved
- The applicant owned the land up to the edge of the blocked paving
- It was usual for existing service points such as the water hydrant around the gate to be relocated as required
- There was currently no certainty as to where the development would start on the site
- Adoption of the new access roadway into the site would be dealt with at reserved matters. The existing Cleves Close was not adopted

During discussion the following points were noted:

- The S106 Agreement that the development would trigger would benefit the wider community and provide significant sums towards the bypass, education and a second doctors' surgery
- Ownership of the site was not a planning matter
- The houses were not in the flood area
- The development would open up the view to the river for the rest of the community
- It was helpful to include a watching brief condition on contamination due to the building materials on the site
- The houses would be positioned higher than the river

A point of order was raised as to whether the Cabinet Member for Growth and Prosperity had an interest in the application given his support for the benefits of a S106 Agreement. The Legal Advisor confirmed that developer contributions to be gained from any application were in the general public interest and so would not create a specific interest in these circumstances.

- Several Members felt it was a flood plain and there was only a metre from the flood area and flood zones changed with time
- There was concern at building houses next to an ecological site as lighting, cars, people, domestic animals such as cats and dogs being so close would wipe out that enhancement
- It was felt the development did not accord with the climate emergency and the houses would be at risk of flood
- It was suggested that a full application would have been preferable so that

Members could fully understand how the site would work. To approve at outline could store problems for the future that could not be undone

- It was pointed out that there was a tide mark from the most recent flooding and that was the area where the houses would be built
- Some Members were minded to refuse on flooding and ecological reasons, being policies EN1, EN2 and EN3.
- Policy EN8 relating to climate change was also considered as a reason however this was felt to need evidence on flooding and to not have evidence would make the Council weaker at appeal, therefore this policy was not included in the reasons for refusal
- There was a concern that the applicant may choose to build only one house but it was noted that the application was for 10 houses therefore the applicant could not build less than 10
- A condition on the houses being built on floodzone 1 had been drafted by the Environment Agency

Councillor Higgins proposed the recommendations in the report to include a watching brief condition on the contamination issue. Councillor Faulkner seconded the motion. On being put the vote the motion was lost.

(3 for, 7 against)

Councillor Steadman proposed that the application be refused due to being in conflict with policies EN1, EN2 and EN3. Councillor Wood seconded the motion.

### **RESOLVED**

**That application 19/01130/OUT be REFUSED, contrary to the Officer recommendations set out in the report, for the following reasons:**

**The application was in conflict with policies EN1, EN2 and EN3 as a result of its impact on the distinctive local natural environment including the setting of the River Eye and the proposed provisions for wildlife.**

(7 for, 1 against, 2 abstentions)

(Councillor Higgins requested that his vote against the resolution to refuse the application be recorded.)

(Councillor Posnett here re-joined the meeting.)

PL93

### **Application 20/01514/GDOCOU**

<b>Reference:</b>	20/01514/GDOCOU
<b>Location:</b>	Cross Roads Farm, Scalford Road, Eastwell
<b>Proposal:</b>	Notification under 'class Q' of Proposed change of use of agricultural buildings to 3 dwellings

The Planning Development Manager addressed the Committee and provided a brief summary of the application.

It was noted that the application would not have been brought before the



Committee should the applicant had not been a Member or Officer.

Councillor Higgins proposed the recommendations in the report. Councillor Steadman seconded the motion.

**RESOLVED**

**That no Prior Approval of the matters listed in Part Q2 are required (section 7 of the report refers).**

(Unanimous)

**REASONS:**

The proposed change of use accords with all of the criteria set by Class Q of Part 2 of the Planning (General Permitted Development) Order 2015 (as amended) and the matters the subject of conditions specified by part Q2 of this legislation are not applicable to the circumstances of the case.

PL94	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 8.32 pm

Chair