

Minutes

Meeting name	Planning Committee
Date	Thursday, 29 April 2021 Reconvened on Tuesday, 4 May 2021
Start time	6.00 pm
Venue	By remote video conference

Present: (for both 29 April and 4 May unless stated)

Chair Councillor M. Glancy (Chair)

Councillors

P. Posnett MBE (Vice-Chair)	R. Bindloss
R. Browne	P. Chandler
P. Faulkner	A. Hewson
L. Higgins	E. Holmes
M. Steadman	P. Wood (4 May)

Officers

Assistant Director for Planning and Delivery
 Planning Development Manager (LP) (4 May)
 Solicitor
 Planning Officer (LE) (29 April)
 Senior Democratic Services and Scrutiny Officer
 Democratic Services Officer (CR) (29 April)
 Democratic Services Officer (SE) (4 May)

Minute No.	Minute						
PL104	<p>Apologies for Absence An apology for absence was received from Councillor Wood.</p>						
PL105	<p>Minutes The minutes of the meeting held on 1 April 2021 were confirmed and authorised to be signed by the Chair.</p>						
PL106	<p>Declarations of Interest Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council, due to her role as a County Councillor.</p> <p><u>Application 20/00811/REM - Land South of Frisby on the Wreake, Leicester Road, Frisby on the Wreake</u> Councillor Browne confirmed that he would be representing his ward on this application by making a representation to the Committee. He would therefore leave the meeting during debate and not vote on this item in accordance with the Council's Procedure Rules.</p> <p>Further to the recent High Court case for remote meetings to continue being dismissed, Councillor Higgins requested that full representations on the concerns relating to individual circumstances of Members be made to the Government.</p>						
PL107	<p>Schedule of Applications Due to technical functionality issues that prevented public participation in the meeting, no planning applications were determined and it was agreed that the meeting be adjourned.</p>						
PL108	<p>Reconvened Meeting The meeting was reconvened on 4 May 2021 at 6 pm following an adjournment of the Planning Committee held on 29 April 2021 due to technical functionality issues which prohibited the participation of public speakers.</p>						
PL109	<p>Schedule of Applications The Chair advised that agenda item 4.2 would be taken first to allow the Frisby Parish Councillor to make a representation to the Committee before the Parish Council's meeting at 7 pm on the same evening.</p>						
PL110	<p>Application 20/00811/REM</p> <table border="1" data-bbox="288 1856 1433 2069"> <tr> <td data-bbox="288 1856 496 1899">Reference:</td> <td data-bbox="496 1856 1433 1899">20/00811/REM</td> </tr> <tr> <td data-bbox="288 1899 496 1986">Location:</td> <td data-bbox="496 1899 1433 1986">Land South of Frisby on the Wreake, Leicester Road, Frisby on the Wreake.</td> </tr> <tr> <td data-bbox="288 1986 496 2069">Proposal:</td> <td data-bbox="496 1986 1433 2069">Reserved matters of layout, appearance, scale and landscaping for the development of 40 houses (phase 1 of the development)</td> </tr> </table>	Reference:	20/00811/REM	Location:	Land South of Frisby on the Wreake, Leicester Road, Frisby on the Wreake.	Proposal:	Reserved matters of layout, appearance, scale and landscaping for the development of 40 houses (phase 1 of the development)
Reference:	20/00811/REM						
Location:	Land South of Frisby on the Wreake, Leicester Road, Frisby on the Wreake.						
Proposal:	Reserved matters of layout, appearance, scale and landscaping for the development of 40 houses (phase 1 of the development)						

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

The Planning Development Manager addressed the Committee and read out the following updates received since despatch of the agenda:

Ward Member comments

'Over the past nine months I have worked with the Parish Council and listening also to residents about their concerns in relation to this development. The main concern raised has been the road and that fact it is outside the agreed limits to development in the neighbourhood plan. Over the past months there has been much negotiation and through dialogue a compromise position has been agreed that I can accept. The reason for this is that from an engineering perspective there would be greater ecological damage and visual impact due to the way the road would have to be built. A good compromise has been achieved.

In addition to the road the developer has listened to concerns about layout, ecology and lack of a small play area and addressed these issues in consultation with me and the Parish Council.

Concerns were also raised about access to the primary school from the new development in order to address concerns of additional traffic in the village and this has been taken on board with an access being created into the rear of the school playing fields. Some residents have raised concerns and the developer has further moved the path away from their properties.

Finally a concern of the village has been addressed on Gaddesby Lane with regard to pedestrians with the developer agreeing to install a footpath inside the hedge row from the road access which will be adopted by the Parish Council.

Overall I feel that we have nearly managed to achieve full compliance with the neighbourhood plan but due to constraints with the site and ground levels it has not been possible to have the road completely inside the limits to development. I am therefore happy to support this revised reserved matters application.'

Parish Council comments

'This was discussed at the Parish Council meeting of 22nd April 2021. It was noted that the access road has now been moved to a new, 'compromise' position within the first field. In addition, it was noted that a new footpath is shown going up to the A607. Matters relating to the school access, the footpath to Rotherby Lane, and the attenuation pond, all of which had now been discussed with residents, are also now agreed, save fine detail. On this basis, it was unanimously agreed that this application can now be supported.'

Further Representation (Reiteration of comments previously made)

'Please find attached document which suggests alternatives for the siting of the

School path from the Bowbridge Estate to the back of the school.

The document suggests locating the school path beyond plot 40 into the back border of the school. The South East corner of the school grounds. Preference 1. We absolutely support this proposal for the following reasons:

- It is close to the original proposed access to the school - this was set out in previous plans.*
- It will enable children from both the Bowbridge development and Steeplechase to access the school quickly and easily and therefore reduce traffic congestion at the top of Hall Orchard.*
- It is a shorter path and therefore cheaper. Perhaps Bowbridge could support the school with the excess funds with an internal path down the bank on the internal side?*
- The Hedgerow Association have asked that buildings are moved away from the boundary and therefore there is a natural space or gap.*
- It does not cut across a green field that could be used for natural planting and re-establishment of the animal community that will have been disturbed due to earthworks.*
- There is no loss of privacy for residents at the top of Hall Orchard Lane.*

We have concerns about the Attenuation Basin that we have submitted in a separate document to both MBC and Frisby Parish Council 10/04/21.'

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 Alex Warwick, Frisby Parish Council
In response to Councillor Warwick's comment, it was noted that liaison meetings were regularly held with the Ward Councillors, the Parish Council, Developers and Planning Officers to consider and work through areas of concern on planning applications and this approach worked well in bringing a mutually acceptable proposal to the Committee.
- Jamie Pyper, Director, Nineteen 47
- Councillor Ronan Browne, Ward Councillor

During discussion the following points were noted:

- It was felt that the Ward Councillor, Parish Council, Developer and Planning Officers had worked well together to bring a mutually acceptable application to the Committee
- Positive lessons had been learnt from this multi-agency approach and all parties were congratulated on the application and it set a good example of collaborative working for the future
- It was requested that the affordable housing allocation was not passed to the

town but made available to the villages in the south of the Borough where discount market housing was needed

- The success of the footpath negotiation between the developer and a private landowner was particularly mentioned

Councillor Holmes proposed the recommendations in the report and Councillor Higgins seconded the motion.

RESOLVED

That application 20/00811/REM be APPROVED, subject to conditions set out in Appendix A.

(Unanimous)

REASONS

The application site is allocated for housing and outline planning permission for the development has been granted. The principle of the access and the number of units proposed were approved at the outline stage.

The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale and would not unduly compromise residential amenity, or be harmful to highway safety.

The scheme is considered to be respectful of, and responds to, the topography of the site with limited intrusion upon the landscape arising from engineering works. It is considered that the proposal would not cause substantial harm to the significance of designated and non-designated heritage assets.

It is demonstrated that greater harm to the non-designated heritage assets and the appearance of the landscape would accrue if full compliance with the Local Plan and Neighbourhood Plan policies was proposed.

It is considered that for these reasons, there is sufficient justification for the access road of the proposal to depart from the applicable policies within the Melton Local Plan and Frisby Neighbourhood Plan.

(Councillor Browne here re-joined the meeting.)

PL111

Application 20/00466/FULHH

Reference:	20/00466/FULHH
Location:	2 Vaughan Avenue, Bottesford, NG13 0EF
Proposal:	Retrospective application to regularise amendments to approved plans relating to planning approval 18/01088/FUL

The Assistant Director of Planning and Delivery addressed the Committee and provided a summary of the report regarding the retrospective application to

authorise development which was built at variance with approved plans. He reminded the Committee of the requirement to treat retrospective applications the same as any other on normal planning merits

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 Bob Bayman, Bottesford Parish Council
It was ascertained from Councillor Bayman that he considered the most significant policy breach related to the insufficient parking available on the site which would impact onto the street
- Richard Colchester
It was ascertained from Mr Colchester that the lack of parking would have an impact on a busy route between Grantham Road and the train station
- Malcolm Bunn, Agent, Hana & Co
It was ascertained from Mr Bunn that Planning Officers were aware of the reason for the development which was to support a family member and that when they started to build at a different place to the plans a phone call was made at that time

The Assistant Director for Planning and Delivery drew Members' attention to the site layouts and the comparison of the changes made in the report. Mr Worley advised that he could not confirm or otherwise whether a call was received however the development proceeded without awaiting the outcome and that the Building Control service may have been provided by a private contractor.

During discussion the following points were noted:

- Why have a planning system if people built something different
- There was not enough space at the side of the property for a motorised wheelchair
- Neighbours and Ward Councillors let down by planning rules not followed
- There was a cost to the tax payer in processing a retrospective application
- A refusal could be considered under Local Plan Policy D1 and H6 of the Bottesford Neighbourhood Plan
- The property was considered to be of poor design with inadequate car parking and being contrary to policies D1 of the Local Plan and H6 of the Bottesford Neighbourhood Plan
- Should the application be approved, permitted development rights be removed

Councillor Steadman proposed to refuse the application on the grounds of being in conflict with policies D1 of the Local Plan and H6 of the Bottesford Neighbourhood Plan and due to the limited space around the building and inadequate parking provision. Councillor Chandler seconded the motion.

RESOLVED

That application 20/00466/FULHH be REFUSED, contrary to the Officer recommendation, on the grounds of being in conflict with policies D1 of the Local Plan and H6 of the Bottesford Neighbourhood Plan and due to the limited space around the building and inadequate parking provision.

(10 for, 1 abstention)

PL112 Application 20/01512/FUL

Reference:	20/01512/FUL
Location:	Orchard House, 161 Scalford Road, Melton Mowbray, LE13 1LA
Proposal:	2 detached dwellings and new access to the rear of 161 Scalford Road. Demolish existing garage to 161 Scalford Road and replace with smaller detached garage.

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the report. He updated the Committee on a further consultation response received as follows:

*'171a Scalford Road are at the back of the development (north)
The upper windows will look straight into our lounge, conservatory and bedroom windows, therefore losing all of our privacy
This is also the bee flight out from our hives, which we will lose, and will have to try and find new places to relocate, this being in an already bad time for bees.
The soakaways when full will naturally drain down onto our property, therefore flooding us.'*

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:

- Dr Jessie Harris, Applicant
- Councillor Jacob Wilkinson, Ward Councillor

It was noted that the separation distance between the adjacent wall to the Balmoral Road properties was 3 metres.

During discussion the following points were noted:

- It was considered that to build a 10 feet high wall 3 metres from existing properties was not acceptable
- It was felt that the wall would be overbearing and take away light and amenity from neighbouring residents
- Plot 2 was considered to be too much development for the site

- There was a suggestion that the properties could be turned around however it was pointed out that the application for consideration was as submitted
- There were reservations expressed on backland development, the impact on neighbours' privacy, noise and land values
- It was questioned as to whether the Committee was so desperate for two houses as to compromise other people's living standards
- Due to the additional vehicle movements that would be associated with the site and it being a busy road at that point, there were concerns for pedestrian safety
- There was also concern for schoolchildren's safety walking to and from the John Ferneley School

Councillor Faulkner proposed to refuse the application on the grounds of being in conflict with policy D1 of the Local Plan and due to the wall adjacent to the Balmoral Road properties being overbearing. Councillor Holmes seconded the motion.

RESOLVED

That application 20/01512/FUL be REFUSED, contrary to the Officer recommendation, on the grounds of being in conflict with policy D1 of the Local Plan and due to the wall adjacent to the Balmoral Road properties being overbearing.

(Unanimous)

PL113	<p>Urgent Business</p> <p>The Chair thanked Members and the Planning Team for their commitment and contribution to the work of the Committee over the past year. She also referred to Councillor Faulkner's proposed change in civic role at the Annual Meeting and wished him well. Councillor Higgins responded and paid tribute to the Chair's leadership.</p>
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The meeting closed at: 6.29 pm on 29 April 2021
7.45pm on 4 May 2021

Chair