

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 26 May 2022</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 P. Posnett MBE (Chair)

**Councillors**

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

**Officers**

Interim Assistant Director for Planning  
 Planning Development Manager  
 Senior Planning Officer (AC)  
 Planning Officer (HW)  
 Senior Democratic Services & Scrutiny Officer  
 Democratic Services Officer (HA)

Minute No.	Minute						
PL1	<p><b>Apologies for Absence</b> An apology for absence was received from Councillor Browne. Councillor Freer was appointed as his substitute.</p>						
PL2	<p><b>Minutes</b> (a) The minutes of the meeting held on 28 April 2022 were confirmed as a true record.</p> <p>(b) <b>Minutes of 5 May 2022</b></p> <p><b>Minute PL93 - Application 20/00397/OUT – Land at south of Grange Farm, Hose</b> Councillor Chandler requested that the minutes be amended to include her vote against the decision of the above application.</p> <p>(c) Subject to the above amendment the minutes of the meeting held on 5 May 2022 were confirmed as a true record.</p>						
PL3	<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><b>Application 21/00929/FUL – Hallmark, Green Bank, Melton Mowbray</b> Councillor Posnett declared a personal interest in this application as she had previously worked with the owner.</p> <p><b>Application 20/00009/OUT - Land South of Granary Close, Bottesford</b> Councillor Chandler declared a personal interest in this application as her son rented land from Dr Fleming’s Hospital Trust.</p>						
PL4	<p><b>Schedule of Applications</b> The Solicitor informed the Committee that agenda item 4.6 (Deed of Variation - Land behind 38-48 High Street Waltham on the Wolds) had been withdrawn from the agenda as the applicant had given late notice of further information that required amendments to the report.</p>						
PL5	<p><b>Application 20/000009/OUT</b></p> <table border="1" data-bbox="288 1787 1442 1921"> <tr> <td><b>Application:</b></td> <td>20/00009/OUT</td> </tr> <tr> <td><b>Location:</b></td> <td>Land South of Granary Close, Bottesford</td> </tr> <tr> <td><b>Proposal:</b></td> <td>Erection of up to 18 dwellings and associated infrastructure</td> </tr> </table> <p>(Councillor Chandler left the meeting at 6.06 pm due to her personal interest declared at Minute PL3.)</p>	<b>Application:</b>	20/00009/OUT	<b>Location:</b>	Land South of Granary Close, Bottesford	<b>Proposal:</b>	Erection of up to 18 dwellings and associated infrastructure
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The Planning Officer (AC) addressed the Committee and provided a summary of the application and advised that 2 additional letters of representation had been received since publication of the report, the content of which had already been raised and covered in the report. There was an amendment to the report at paragraph 4.9.1 which referred to the land as arable use and should read pasture land and which made no material difference to the report. The application was recommended for approval subject to conditions and a S106 Agreement.

The Planning Officer responded to Member queries as follows:

- There was an adjacent site with planning permission for 18 dwellings but this was not a factor in determining this application
- An existing property had off street parking
- Highways had approved the access from Granary Close with an increased road width to 5m and a footway of 2m and the access had been designed for this development
- The applicant had confirmed they had a right of access to the site and neighbouring amenity perspective was acceptable eg. movement of vehicles

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:

- Cllr Bob Bayman, Chairman of Bottesford Parish Council  
Cllr Bayman responded to Member questions as follows:  
Concerned about the wording of condition 11 and specifically that there was nothing that demanded the two sites should have a unified approach
- Colin Wilkinson, Agent, Planit-X Town and Country Planning Services Ltd  
Mr Wilkinson advised that the report covered his requirements and he did not therefore need to speak

The Planning Officer (AC) confirmed that condition 11 was being recommended to facilitate and develop an integrated approach to the design and layout of the two sites at the reserved matters stage.

During discussion the following points were noted:

- It was considered that it would be helpful for the same developer to be involved in the adjoining sites to ensure parity and an integrated approach however it was not known whether this would be the case and was not a material planning consideration
- There was concern for effect of the development on an existing homeowner's parking and access arrangements and whether there was a responsibility to protect the resident's interests
- It was felt the report was comprehensive and the application accorded with the Local Plan
- The Planning Officer reiterated that condition 11 would ensure an integrated

approach for the two sites and the same team of officers would be dealing with both sets of applicants and developers

- There was a suggestion for deferral to allow the developers to talk about the integration and to facilitate dialogue regarding intrusion to existing dwellings
- The Planning Development Manager advised that condition 11 would facilitate discussions between the two applicants at the reserved matters stage and discussions at outline would not be constructive as there were no detailed plans to consider
- It was felt that co-ordination between the sites would be beneficial for a cohesive development and it was felt that the design workshops with the Parish Council and officers would ensure this approach was followed
- It was mentioned there was a covenant to the existing homeowner's property
- The Solicitor explained that they were not aware of the covenant as it would be a private law matter and therefore not relevant to this application. He further said that to defer on the integrated sites issue was not advised as condition 11 covered working with the 2 applicants

Councillor Illingworth proposed that the application be deferred to enable dialogue, co-operation and co-ordination of the applicants for the two plots to facilitate an integrated approach before the reserved matters stage and to ensure the applicants had taken into account and mitigated existing homeowners' access and parking issues. Councillor Holmes seconded the motion. On being put the vote, the motion was lost with 2 for and 7 against.

Councillor Smith proposed that the application be approved with an addition to condition 11 that it be strengthened to ensure a unified approach of design, layout and materials. Councillor Pritchett seconded the motion.

## **RESOLVED**

**That the application be APPROVED with an addition to condition 11 that it be strengthened to ensure a unified approach of design, layout and materials and subject to conditions set out in Appendix C and a Section 106 Agreement to secure contributions towards:**

- (i) Secondary and Post 16 Education Provision**
- (ii) Contribution to sustainable transport options**
- (iii) NHS Contribution**
- (iv) On Site Affordable Housing Provision**
- (v) Bottesford Village Hall Play Area**

(7 for, 1 against, 1 abstention)

## **REASONS**

The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.

Bottesford is a 'service centre' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

The site is allocated for housing purposes in the Local Plan across the application site and the land to the west with an estimated capacity of 41. The application adjacent to the site has a resolution to permit for 18 dwellings and this application is for up to 18 dwellings and also forms part of allocation BOT1. Both the application site and the adjacent site are part of BOT1 (therefore totalling 36 on the allocated site (reference BOT1)).

Affordable housing provision remains one of the Council's key priorities. This application delivers the required level of affordable housing (in line with the Melton Local Plan) that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of 6 affordable housing units, of a type that supports the local market housing needs. The final mix of affordable housing would be secured by Section 106 Agreement.

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

The application is in outline and demonstrates how this allocation could be delivered including the site specific criteria applied by the Plan. This report will go on to show that there are no material considerations associated with this proposal that outweigh the policies of the development plan as a whole when considering the Neighbourhood Plan and the Local Plan.

The development is considered to not result in a significant impact upon highway safety and a safe and suitable access is achieved to the site from Granary Close. Sufficient off street parking provision can be secured as part of consideration of the proposed layout at detailed reserved matters stage.

Policy SS1 and SS2 of the Melton Local Plan strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. The site is situated within a Service Centre as defined by the Melton Local Plan and both the Melton Local Plan and Neighbourhood Plan allocate the site for housing.

(Councillor Chandler here re-joined the committee at 6.49 pm)

PL6

**Application 20/00452/REM**

<b>Application:</b>	20/00452/REM
<b>Location:</b>	Field OS 3300, Oakham Road Somerby
<b>Proposal:</b>	32 dwellings including garages and car parking, new site access and proposed landscaping strategy (reserved matters application relating to 16/00100/OUT)

The Planning Development Manager (LP) addressed the Committee and provided a summary of the application. She pointed out that there was an error in the report

at paragraph 4.5.6 and there were 2 retained trees on the site, not 3 as stated. The application was recommended for approval.

The Planning Development Manager responded to Member queries as follows:

- With regard to flood risk, the discharge of conditions related to drainage, there was a drainage strategy and a well-drawn up drainage scheme. These details were being looked at through the discharge of condition in relation to the outline so the actual mechanisms and schemes in place were not part of the reserved matters application.
- The allocation for affordable homes was set at an earlier stage as this was a 2016 application. These were agreed in the S106 Agreement prior to the adoption of the Local Plan and Neighbourhood Plan, therefore the total of 11 affordable homes was correct.

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:

- Cllr Carl Powell, Somerby Parish Council  
Cllr Powell responded to Member questions as follows:  
With regard to the landscaping layout as a reserved matter, he had concerns in raising the land which he felt would exacerbate flood risk.

The Planning Development Manager advised that the discharge of condition would deal with all aspects of drainage including the way it functioned and the land. Layout and landscaping was part of the reserved matters application and a summary of drainage and flooding and how these matters interacted with the reserved matters was included in the report. The discharge of condition on the technical elements was ongoing.

- Caroline Chave, Agent, Chave Planning

During discussion the following point was noted:

- Several Members felt there was reassurance in the drainage scheme

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

## **RESOLVED**

**That the application be APPROVED subject to the conditions set out at Appendix C.**

(8 for, 1 against, 1 abstention)

## **REASONS**

The application site benefits from outline planning permission for residential development for up to 32 dwellings.

The proposal has been amended following negotiations with the Parish Council and concerns raised during the consultation period and as amended 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 compromise residential amenity of either existing or future occupants of the area.

The proposal is considered to respond well to the Melton Local Plan and Neighbourhood Plan Policies applicable to this site.

PL7

**Application 20/01054/OUT**

<b>Application:</b>	20/01054/OUT
<b>Location:</b>	South View, 120 Grantham Road, Bottesford
<b>Proposal:</b>	Demolition of existing dwelling and to allow the erection of 5 detached dwellings

The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised that the application was recommended for refusal.

The Planning Officer responded to Member queries as follows:

- There was precedence to apply the most up to date planning policy, therefore in this case, the adopted Neighbourhood Plan Policy 1 took precedence over policies in the Local Plan
- When the application was submitted initially in 2020, the draft Neighbourhood Plan would have carried limited weight however since then the Neighbourhood Plan had been adopted and full weight of that document had been applied. Also when the application was received there were technical issues to overcome which had since been addressed
- There was no housing need for houses of this size as both the Local Plan and Neighbourhood Plan specified a need for 2/3 bed homes

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:

- Cllr Bob Bayman, Chairman of Bottesford Parish Council

During discussion the following points were noted:

- There was concern that the site was in a bad state of repair
- There was a footpath on the south side of the site and there was a condition of the development that this be joined up
- It was considered that the application could be updated with items such as PV

and EV

Councillor Freer proposed that the application be refused. Councillor Smith seconded the motion.

## **RESOLVED**

**That the application be REFUSED.**

(7 for, 3 against)

(Councillors Chandler and Pritchett requested that their votes against the decision of this application be recorded.)

## **REASONS**

The application site is located on the edge of the Bottesford and outside of the limit to development set within the Neighbourhood Plan.

Neighbourhood Plan Policy 1 of the Bottesford Neighbourhood Plan requires all new residential development to be within the set limit to development.

On sites that are located outside of settlements and within the open countryside, Policy SS2 of the Melton Local Plan states new development will be restricted to that which is necessary and appropriate in the open countryside.

The erection of 5 new detached dwellings at the site is not considered to fall into a development type that would be necessary or appropriate. The principle of the proposed development is therefore considered to conflict with the aims and objectives of both Neighbourhood Plan Policy 1 and Policy SS2.

The proposal is considered to be acceptable in terms of the impact on the character of the site, Highway safety, residential amenity, flood risk and ecology.

Potential wider public benefits of the scheme have been put forward, including the reduction of the speed limit on the adjacent highway and provision of a new residential development on an untidy site. The potential benefits have been acknowledged and afforded limited weight, however these are considered to not outweigh the clear conflict with policy guidance in relation to the principle of development.

(The meeting was adjourned at 7:27 pm and reconvened at 7:33 pm.)



**Application 21/00929/FUL**

<b>Application:</b>	21/00929/FUL
<b>Location:</b>	Hallmark, Green Bank, Melton Mowbray
<b>Proposal:</b>	Extension to existing Warehouse - Storage & Distribution (Class B8) and refurbishment of existing single storey modular building

The Planning Officer (AC) addressed the Committee and provided a summary of the application and advised that due to the Environment Agency's concerns relating to being part of a flood plain, the application was recommended for refusal.

The Planning Officer responded to Member queries as follows:

- Should the application be approved, the Environment Agency had provided specific condition requirements
- A Member reported that the last time the area flooded was in 1998 before the Brentingby Dam was completed and Thorpe Brook was not connected to this development
- The existing building was on stilts and the extension would require this also as well as regular maintenance to clear debris
- It was considered that should the application be approved, there would be no increased flood risk to other buildings

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:

- Chris Hall, Applicant  
Mr Hall responded to Member queries as follows:
  - The existing building was built with a grid which stopped debris collecting and natural hygiene cleared any debris
  - He would meet the requirements set out by the Environment Agency should the application be approved
  - The current building was insured

During discussion the following points were noted:

- The application brought employment opportunities to Melton and should not be refused as people needed jobs
- This was a home-grown Melton-based business that Members did not want to lose
- It was considered the refusal was based on general flood principles and in this case the building design did not increase flood risk
- The existing building was on stilts and the extension would be built in the same way
- The Council was trying to promote businesses in Melton and should make an exception to approve this application and the County Council as the flooding authority had no issues with the application
- The Solicitor advised due to the site being in a floodzone and if minded to

permit, the local authority had to give the Secretary of State 21 days to call in the application. If Members were minded to permit a statement of material considerations for departure from the objection was required which must include reasons.

- Members felt the following should be included in the statement:
- There had not been a flooding event since 1998 which predated the building of the Brentingby dam
- This was an extension to a building that already complied and this development was to be built in the same way
- Encourage retention of an existing business
- The growth of the business would bring more employment opportunities for local people and support the local economy
- The Environment Agency advice was general and related to being on a flood plain rather than being specific to the site or the design
- The application met policies SS1, EC1, EC3 and EC5
- The Planning Officer explained the proposed conditions should the application be approved as follows :
  - 3 years to implement development
  - Compliance with the plans
  - Specified materials but also request for further details
  - The levels of the development conditioned by the Environment Agency as well as the flood risk assessment and mitigations and maintenance
  - Other conditions from consultees to include parking and access arrangements, construction traffic management plan which was required by the Highway Authority, Environment Agency conditions and any others from the leading flood authority

Councillor Illingworth proposed that the Committee was minded to permit the application, subject to submission to the Secretary of State for a 21 day call in period, as it met policies SS1, EC1, EC3 and EC5. Councillor Smith seconded the motion.

**RESOLVED**

**That contrary to the officer recommendation, the Committee was minded to permit the application, subject to submission to the Secretary of State for a 21 day call in period, as it met policies SS1, EC1, EC3 and EC5.**

(Unanimous)

PL9

**Application 21/01213/VAC**

<b>Application:</b>	21/01213/VAC
<b>Location:</b>	Field OS 6934, Bypass Road, Asfordby
<b>Proposal:</b>	Vary conditions 20 'Details of Open Space' and 21 'Maintenance and management of Open Space', to remove reference to play areas attached planning permission ref 16/00539/OUT

The Planning Officer (HW) addressed the Committee and provided a summary of

the application and advised that the application was recommended for approval.

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:

- Dean Weldon, Applicant, Deeley Homes  
Mr Weldon responded to Member questions as follows:
  - The original application had 0% affordable housing and had committed to a £25k contribution instead. The Reserved Matters included 76% of affordable housing which equated to 40 out of 55 homes and the developer was still paying the £25k affordable housing contribution
  - All parties were agreeable on the way forward to vary the conditions
- Cllr Ronnie de Burle, Chairman of Asfordby Parish Council and Ward Councillor

During discussion the following points were noted:

- Members were satisfied with the outcome from the deferment from a previous meeting
- It was felt that residents would benefit from the increase in affordable housing as well as the retention of the £25k contribution

Councillor Smith proposed that the application be approved. Councillor Wood seconded the motion.

## **RESOLVED**

**That the application be APPROVED subject to conditions set out at Appendix A.**

(Unanimous)

## **REASONS**

Appendix B contains is the Committee report considered at the 28 April 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 subsequent to the meeting.

The reasons behind Committee's resolution to defer the application on 28 April are considered to have been addressed. The officer's recommendation remains unchanged. The proposal accords with the requirements of Policy EN7 which does not require the provision of an equipped play area as part of a scheme for residential development unless there is an identified deficit in the area. The proposal is also considered to be in accordance with Policy C9 through the provision of good quality, accessible green spaces within the application site; as well as improved pedestrian links, including as a result of the traffic calming

measures along Saxelby Road, between the site and the existing equipped play areas within the settlement of Asfordby. The Local Cllrs. and the Parish Council do not object to the proposal.

The recommended conditions are contained with Appendix C.

The proposed development would therefore accord to the relevant policies of the Melton Local Plan.

PL10	<b>Application 14/00777/OUT - Deed of Variation</b> This item was withdrawn.
PL11	<b>Urgent Business</b> There was no urgent business.

The meeting closed at: 8.18 pm