

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 13 October 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)	R. Browne
P. Chandler	C. Evans
C. Fisher	E. Holmes
J. Illingworth	R. Smith
P. Wood	

## **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	<p><b>Apologies for Absence</b> An apology for absence was received from Councillor Pritchett.</p>						
PL40	<p><b>Minutes</b></p> <p>(a) The minutes of the special meeting held on 11 August 2022 were confirmed as a true record.</p> <p>(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.</p>						
PL41	<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 21/00836/FUL - Land At 36 Main Road, Kirby Bellars</b> 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.</p> <p><b>Application 22/00944/GDOAGR - Land south of Crossroads Farm, Scalford Road, Eastwell</b> 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.</p> <p>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.</p>						
PL42	<p><b>Schedule of Applications</b></p>						
PL43	<p><b>Application 21/00836/FUL</b></p> <table border="1" data-bbox="288 1731 1442 1906"> <tr> <td data-bbox="288 1731 504 1771"><b>Application:</b></td> <td data-bbox="504 1731 1442 1771">21/00836/FUL</td> </tr> <tr> <td data-bbox="288 1771 504 1814"><b>Location:</b></td> <td data-bbox="504 1771 1442 1814">Land At 36 Main Road, Kirby Bellars</td> </tr> <tr> <td data-bbox="288 1814 504 1906"><b>Proposal:</b></td> <td data-bbox="504 1814 1442 1906">The erection of 1 new dwelling and the resiting of 3 approved dwellings (ref.17/01312/FUL) (4 x 3 beds); alterations to access</td> </tr> </table> <p>(Councillor Browne here left the meeting due to his interest declared at minute PL41.)</p>	<b>Application:</b>	21/00836/FUL	<b>Location:</b>	Land At 36 Main Road, Kirby Bellars	<b>Proposal:</b>	The erection of 1 new dwelling and the resiting of 3 approved dwellings (ref.17/01312/FUL) (4 x 3 beds); alterations to access
<b>Application:</b>	21/00836/FUL						
<b>Location:</b>	Land At 36 Main Road, Kirby Bellars						
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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**

<b>Application:</b>	21/01223/FUL
<b>Location:</b>	Saltby Airfield, Skillington Road, Sproxton
<b>Proposal:</b>	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**

<b>Application:</b>	22/00944/GDOAGR
<b>Location:</b>	Land south of Cross Roads Farm, Scalford, Eastwell
<b>Proposal:</b>	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