

Minutes

Meeting name	Planning Committee
Date	Tuesday, 5 December 2023
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors J. Mason (Vice-Chair) I. Atherton
S. Atherton P. Cumbers
M. Glancy M. Gordon
L. Higgins D. Pritchett

Officers Assistant Director for Planning
Planning Development Manager
Senior Solicitor (TP)
Senior Planning Officer (AC)
Senior Democratic Services & Scrutiny Officer
Democratic Services Officer (SE)

Minute No.	Minute
PL51	<p>Apologies for Absence Apologies for absence were received from Councillors Allnatt and Browne. An apology for late attendance was received from Councillor Ian Atherton who was not present at the start of the meeting.</p>
PL52	<p>Minutes The following amendments were proposed to the minutes of the meeting held on 9 November 2023:</p> <p>(a) Minute PL46 – Application 23/00584/FULHH - 17 Main Road, Old Dalby The following sentence be added after the planning officer’s introduction :</p> <p><i>‘Members agreed why officers brought the application to committee despite the opinion that some of the "public" comments were highly likely to be from the same source. The application still met the requirement to be brought to the Planning Committee.’</i></p> <p>(b) Minute PL47 – Application 23/00720/FULHH - 2 South View, Burrough on the Hill In the first sentence, after the words ‘concerns around parking’ add <i>‘made by the Ward Councillor’...</i></p> <p>Add the words in italics to the following paragraph:</p> <p>Councillor Gordon proposed a deferment to allow consideration for a third parking space. However this proposal was withdrawn to enable an additional condition, <i>suggested by the officers in consultation with the Ward Councillor Leigh Higgins</i>, instead that would allow for the extra provision as follows...</p> <p>Subject to the foregoing amendments, the minutes of the meeting held on 9 November 2023 were confirmed as a true record.</p>
PL53	<p>Declarations of Interest There were no declarations of interest.</p>
PL54	<p>Schedule of Applications The Chair announced that application 22/01174/DIS had been withdrawn from the meeting’s agenda to allow for further discussion with the agent.</p>
PL55	<p>Application 22/00601/VAC Location : Field OS 4100 Lake Terrace Melton Mowbray Proposal : Variation of condition 21 (List of Approved Plans) of application Ref. 20/00318/VAC To allow a change to the parking arrangements for plot</p>

**73, an adjusted private drive and a re-routed non adopted footpath
A revised viability assessment is also submitted to argue that the
development is to make to reduced financial contributions in order remain
viable.**

The Senior Planning Officer (AC) addressed the committee and provided a summary of the application which included a revised plan for 100 per cent affordable housing and a revised s106 agreement that aligned with a recent independent viability assessment.

Members raised queries which were responded to by the Senior Planning Officer :

- The SPD sets out a prioritised table of items to be included and this application, with 100 per cent affordable housing, had been through an independent viability appraisal that agreed the off-site contributions to the County Council for education and highways
- There was concern that funding for healthcare had been removed and it was felt that each application should be considered on a case by case basis and why had this funding been removed since it was agreed in 2018. It was advised that due to increased build costs etc and the composition of the site now being 100 per cent affordables, the independent viability assessor had been in agreement to remove certain contributions
- There was concern that such a significant development of affordable housing should have to rely on existing primary healthcare and yet there was a contribution to the road network that had not relied on this development to demonstrate its need
- It was advised that there was a firm commitment in the SPD for developments in Melton to support the MMDR and the strategic road network
- There had been discussions with County on the contributions and they had agreed a reduced contribution towards highways and education on the basis of 100 per cent affordable housing
- Should the tenure mix of the affordable housing be amended to say some shared ownership, this could alter the balance/viability/contributions relating to the site

There were no public speakers.

The following points were raised :

- There had been a previous promise by the developer for a section of the Lake Terrace road to be adopted leading to the Biffa site. The Solicitor advised that this sound like a developer uplift clause and was outside of the planning remit and would likely be part of a legally binding document that would be a separate matter and legally enforceable
- Members were in agreement with the variation to conditions but there were a few concerns relating to the revised Viability Assessment and the reduced contributions especially with regard to the removal of contributions to healthcare
- A Member considered that those who resided in this development of affordable housing would rely on the healthcare services more than any other service and should there be no contribution to healthcare future residents would struggle to get GP access and health demands may not be met
- It was noted that allocation of healthcare monies could not be isolated based on type of housing and was a standard payment over all types of housing
- Should the application be refused there would be a loss of 90 affordable homes for the town and partners would lose out on windfall education and highways contributions which were priorities 1 and 2 as set out in the SPD
- It was pointed out that the SPD had been adopted by the Council and was a material planning consideration in the Local Plan and it was not possible to trade off between other priorities than those listed. Also to vary the rules for this application, could set a precedent for others and it was therefore considered the framework should be followed

- There was concern that should the application not be approved, there could be an application come forward on the site for no affordable housing therefore this development was considered to be of high community value and a huge benefit for the town
- A Member was minded to approve the variation of conditions but on the viability he proposed to permit subject to the Chair and Portfolio Holder negotiating with the NCHA to get £20k of the ICB funding and should these talks fail, then bring the application back to the Committee. The Solicitor advised that this was ambiguous as this was neither a permit nor a refusal. Also it could mean the application was undetermined and the applicant could apply for non-determination as the application was due to be completed that week and it was likely to be considered unreasonable to not make a decision as the viability assessment had been independently verified and there was also a late stage review as part of the process
- It was advised that should an additional £20k be forthcoming, the County Council had the first call on that money in accordance with the SPD as they had already agreed a reduction in contributions of some £400k and therefore it was not possible to earmark it for healthcare
- The Solicitor advised that if the application was refused then it need not come back to the committee, should it be deferred for the purpose of securing more funding then it would come back for further debate
- There was a late stage review mechanism included in the recommendations which allowed for another review of the revised figures when more costs were known. This was a further viability review however the same priorities would still be in place
- It was noted that it was normal for a few years to pass between an outline application approval and the final stages being approved on large developments and during this time there had been increases in inflation, hence the viability assessment. However the policies may not suit this situation but they were in place and should be followed now but could be reviewed for the future
- Councillor Higgins proposed to defer to allow for further discussions with the NCHA, ICB and Chair to gain funding for the ICB of at least 70 per cent (ie. £20k). Councillor Cumbers seconded the motion.
- It was reiterated that any additional funding agreed would go to the County Council, therefore there was no purpose in this
- The Solicitor advised again on the risk of non-determination that the applicant could go to appeal from Friday of that week
- Other Members raised concerns that the application and the affordable housing could be lost if the application was not permitted

Councillor Higgins amended his motion for deferral to enable further discussions with the applicant. Councillor Cumbers seconded the motion.

On the motion to defer being put to the vote the results were 2 for, 6 against, 1 abstention, therefore the motion was lost.

(Councillors Cumbers and Higgins requested that their votes for deferral be recorded.)

Councillor Gordon proposed that the recommendation within the report be approved. Councillor Pritchett seconded the motion.

RESOLVED

That the application be APPROVED subject to

1. **Conditions, as set out in section 10 of this report and**
2. **Deed of Variation to the previously completed agreed Section 106 Agreement to**

Continue to secure a percentage of the contributions towards

- (i) **Secondary education provision - £185,936.44**
- (ii) **Strategic road improvements - £613,063.56**

Amend the on-site affordable housing provision

- (i) **From 40% to 100%**

Remove contributions for

- (i) **£28,263.17 - health care**
- (ii) **£7,700 - civic amenity**
- (iii) **£2,720 - libraries**
- (iv) **£720 per dwelling - bus pass**
- (v) **£52.85 per dwelling - travel pack**
- (vi) **£6,000 - Travel plan monitoring**
- (vii) **LCC & MBC Monitoring fees**

Include a Late Stage Review Mechanism.

(6 for, 2 against, 1 abstention)

REASONS

The reasons for approval were as outlined in the report.

(Councillor Ian Atherton entered the meeting at 18:05 at the start of the Senior Planning Officer's presentation and therefore he was able to take part in the debate and vote on the above application.)

(Councillor Cumbers requested that her vote against be recorded.)

(Councillor Higgins requested that his abstention be recorded.)

PL56	<p>Application 22/01174/DIS - Withdrawn Location : Land Opposite 1 And 10 Station Lane Old Dalby Proposal : Discharge condition 3 (viability assessment/affordable housing) of the outline planning permission reference 17/00397/OUT</p> <p>This application was withdrawn from the agenda.</p>
PL57	<p>Urgent Business There was no urgent business.</p>

The meeting closed at: 7.30 pm

