

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 23 January 2020</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 M. Glancy (Chair)

**Councillors**

P. Posnett MBE (Vice-Chair)	P. Chandler
P. Cumbers	J. Douglas
P. Faulkner	L. Higgins
J. Illingworth	M. Steadman
C. Evans (Substitute)	A. Hewson (Substitute)

## **Observers**

**Officers**

- Assistant Director for Strategic Planning and Delivery
- Planning Development Manager
- Solicitor to the Council (RP)
- Planning Officer (RN)
- Planning Officer (AH)
- Democratic Services Officer (SE)

<b>Minute No.</b>	<b>Minute</b>						
PL170	<p><b>Apologies for Absence</b> Apologies for absence were received from Councillors Holmes and Wood.</p> <p>Councillor Hewson was appointed as substitute for Councillor Holmes and Councillor Evans was appointed as substitute for Councillor Wood.</p>						
PL171	<p><b>Minutes</b> The minutes of the meeting held on 19 December 2019 were confirmed and authorised to be signed by the Chair.</p>						
PL172	<p><b>Declarations of Interest</b> The Chair drew Members' attention to the advice relating to interests included within the agenda.</p> <p><u>Application 19/01030/FUL</u> Councillor Illingworth declared a personal and non-pecuniary interest in this application as the applicant and owner of the business was a personal friend. He advised that he had no pecuniary interest in the application.</p> <p>On this basis the Solicitor to the Council advised that the Councillor may remain in the meeting for the application but not take part in the debate nor vote thereon.</p> <p><u>Application 19/01193/OUT</u> Councillor Steadman stated that she intended to speak as the Ward Councillor on this application and therefore would move into the public gallery for the whole of the application, would not take part in the debate nor vote thereon.</p> <p>Councillor Posnett declared a personal interest on any Leicestershire County Council matters due to her role as a County Councillor.</p>						
PL173	<p><b>Schedule of Applications</b></p>						
	<p>Councillor Steadman moved into the public gallery for the duration of the following application 19/01193/OUT to enable her to speak as Ward Councillor.</p>						
PL174	<p><b>Application 19/01193/OUT</b></p> <table border="1" data-bbox="288 1771 1433 1906"> <tr> <td><b>Reference:</b></td> <td>19/01193/OUT</td> </tr> <tr> <td><b>Location:</b></td> <td>Field OS 3254, Blacksmith End, Stathern</td> </tr> <tr> <td><b>Proposal:</b></td> <td>Residential development for 9 houses</td> </tr> </table> <p>The Development Manager addressed the Committee and provided a summary of the application. She advised that since despatch of the agenda comments had been received from the Highway Authority relating to the public right of way which</p>	<b>Reference:</b>	19/01193/OUT	<b>Location:</b>	Field OS 3254, Blacksmith End, Stathern	<b>Proposal:</b>	Residential development for 9 houses
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<b>Proposal:</b>	Residential development for 9 houses						

would amend condition 6 of the report.

The Development Manager referred to conflict between local plan policies in determining this application and although officers had made a finely balanced recommendation in favour of the application by referencing policies SS1 and SS2, it was recognised there was a strong conflict with policy C1(B). Therefore officers felt it was for the Committee to determine which policy took precedence in this case.

Pursuant to Chapter 2, Part 9, Par 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 four minute presentation :

- Ken Bray, Chairman, Stathern Parish Council
- Alison Shelton

Following a query by a Councillor, it was confirmed that there was an error in the Local Plan relating to housing supply allocation, in that the flexibility it allowed should say 'significant' whilst it read 'limited'.

- Nick Cooper, Agent

Following questions from Members, Mr Cooper confirmed

- There had been public consultation through the Stathern Neighbourhood planning process and positive comments had been received concerning the site
- The developer owned the whole site which he felt provided potential to contribute to the Borough's housing need

In response to the speakers' comments, the Development Manager explained that policy SS3 'unallocated sites' had been questioned and she was persuaded by the arguments raised that it was not applicable in this case because the site was allocated. There was a strong case for policy C1(B) even though the application was SS2 compliant therefore she still felt it was for the Committee to determine which policy should prevail.

The Assistant Director referred to the error in the Local Plan relating to housing supply allocation mentioned previously. He explained that reference was made by the Inspector to substantial flexibility rather than limited which was indicated in the Modifications. However he further explained that meeting targets was the minimum requirement in terms of housing supply and did not mean there was no further demand and no upper limited was set. Both locally and nationally the thinking was the more housing the better so long as sites concerned were acceptable in terms of environmental, infrastructure and all other relevant planning factors.

During discussion the following points were noted :

- There was concern that the application was for 9 dwellings and this was just below the threshold of 10 homes which would then mean the developer would be required to make a contribution to infrastructure. Based on a previous application that had been withdrawn for 45 homes on the site, it was felt that the developer could potentially submit 5 applications for 9 houses each and reach the same outcome. Members felt that if this application was approved and the site was allocated then how could the Committee refuse further similar applications
- All applications depended on the circumstances at that time however there was a presumption in favour of no upper limit nor to prevent growth
- Should there be more applications submitted for the site, approval could be qualified which would need to be considered at the time
- Consistency in decision-making and adhering to the Local Plan was important to Members
- The site was allocated as a reserve site and could only be developed if approved sites became available. It was stated that approved sites were progressing in Stathern and the site could not be both windfall and a reserve site
- There was a clash of policies and it was suggested that the Council could provide further guidance on interpretation of these policies
- To approve this site would set a precedent for 9 home applications on reserve sites where there would be no requirement to give anything to the community

Councillor Evans proposed to refuse the application as it was contrary to policy C1(B). Councillor Higgins seconded with the addition that the development was allocated as a reserve site that should only be considered should other allocated sites not come forward for development. No evidence had been provided to indicate other sites were incapable of delivery. The Borough could demonstrate in excess of five year supply of deliverable housing sites. Councillor Evans agreed the addition.

### **RESOLVED**

That application 19/00573/REM be **REFUSED** contrary the recommendation set out in the report for the following reasons :

(Unanimous)

**The application proposes a development of dwellings that is contrary to Policy C1(B) of the adopted Melton Local Plan 2018. The development is allocated as a reserve site that should only be considered should other allocated sites not come forward for development. No evidence has been provided to indicate other sites are incapable of delivery. The Borough can demonstrate in excess of five year supply of deliverable housing sites.**

Councillor Steadman resumed her Committee membership role.

PL175 **Application 19/00573/REM**

<b>Reference:</b>	19/00573/REM
<b>Location:</b>	Land off Grantham Road, Bottesford
<b>Proposal:</b>	Approval of reserved matters related to appearance, landscaping, layout and scale attached to outline approval for the erection of 60 dwellings and provision of drainage infrastructure/public open space and associated works

The Assistant Director for Strategic Planning and Delivery addressed the Committee and provided a brief summary of the application and how it had evolved through liaison with the developers and Parish Council to reach its current, improved, proposal. He also updated the Committee on the following issues that had been raised since despatch of the agenda and which would need to be included in the decision, should the application be approved :

- an amended plan had been received from the developer specifying the sight lines around the junction where the site transferred from the public to private road
- a response from the Highway Authority had been received which indicated satisfaction with the scheme subject to conditions relating to parking, turning, surfacing of the highway, setting back of garage doors etc
- amendments to the following conditions :
  - condition 1 – updated plans
  - condition 2 – materials omitted – fine details – time limited etc
  - condition 3 – delete as condition 1 covers landscaping
  - condition 4 – delete due to duplication
  - condition 5 – delete reference to traffic management as this was included in the outline application

With regard to access arrangements, conditions in the outline permission required a footpath connecting the site to the village.

Pursuant to Chapter 2, Part 9, Par 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 four minute presentation :

- Sally Smith, Planning Manager for Bellway Homes Limited
- Bob Bayman, Chairman, of Bottesford Parish Council

Following questions from Members, Mr Bayman confirmed

- The Parish Council had previously worked with the County Council to install lower speed limits for the school etc and had contributed to the cost and would be prepared to again for this development should the County Council offer this

- Councillor Pritchett, Ward Councillor

The Committee agreed to suspend the public speaking procedure rules to allow the applicant to respond to the Parish Council's comments and Members questions.

Ms Smith of Bellway Homes confirmed

- The footpath was a planning condition on the outline application
- The developer was working with the Highway Authority to install a 2 metre wide footway which was a technical obligation on the developer before any of the dwellings were occupied on the site
- The developer was prepared to work with the Parish Council to extend the 30 mph from the village to the development
- With regard to the attenuation pond, condition 14 of the outline application required a surface water scheme and a number of the plans had been submitted and it was for the Council to determine and discharge this condition
- The levels around the pond were not as steep as the drawings showed
- Traffic routing was being dealt with as part of a planning condition and plans had been submitted to the Council. She confirmed that no construction traffic would go through the village and it had been routed to access and egress via the A52
- The company would be happy to work with Ward Councillors and the Parish Council to finalise the traffic management plan and attenuation ponds to reach the most mutually beneficial solution
- The footpaths and highways were part of the adopted highway and as such the Highway Authority would be responsible for their maintenance

Public speaking procedure rules were resumed.

The Assistant Director responded that the developer was required to build a footpath under the outline permission. Also access issues had already been approved as part of the outline application and could not be considered as part of this application, so addressing such issues would need an alternative approach to simply conditions.

During discussion the following points were noted :

- Electric car charging points were included in some of the garages to ensure the infrastructure was available, this was included as part of the agreed arrangements with Bellway and was not needed as a condition
- Members were supportive to extend the 30mph speed limit and there was a suggestion to make a financial commitment if this was needed. It was felt that the lower speed limit was need to protect the community and the Council should insist on this by supporting the Parish Council and take the lead if necessary
- Officers were thanked for working with the developer to achieve a sympathetically pleasing design which suited a rural setting and included green space with amenity value

- The comments of the Parish Council were appreciated being the guardians of the local voice along with the Ward Councillors
- Members were keen that a feature was made of the attenuation ponds

Councillor Chandler proposed to approve the application and Councillor Illingworth seconded subject to the additional information received since despatch of the agenda and with a new resolution as follows which Councillor Chandler accepted :

*The Council to act as facilitator and support the Parish Council to relocate the 30mph speed limit from the village to the east of development.*

**RESOLVED** that

(1) application 19/00573/REM be **APPROVED**, in accordance with the conditions in the report amended to include the matters listed below :

- inclusion of the amended plan specifying the sight lines around the junction where the site transferred from the public to private road
- amendments to the following conditions :

condition 1 – updated plans to most recent version

condition 2 – materials omitted – fine details – time limited etc

condition 3 – delete as condition 1 covers landscaping

condition 4 – delete due to duplication

condition 5 – delete reference to traffic management as this was included in the outline application

(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 debated, considered and approved by Members at the outline stage.

The proposal as revised would result in a form of development that would now 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 prejudicial to highway safety. For these reasons, the proposal is considered to comply with Policy D1 of the Melton Local Plan which requires all new development to be sympathetic to the character of the area in which the site is located and comply with the aims and the objectives of the National Planning Policy Framework.

(2) the Council to act as facilitator and support the Parish Council to relocate the 30mph speed limit from the village to the east of development.

Due to his personal interest declared at Minute 172 in the following application, 19/01030/FUL, Councillor Illingworth here left the meeting.

PL176

**Application 19/01030/FUL**

<b>Reference:</b>	19/01030/FUL
<b>Location:</b>	19 Melton Road, Burton Lazars, Melton Mowbray, LE14 2UR
<b>Proposal:</b>	Retrospective application for retention of timber framed extension to workshop

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

Pursuant to Chapter 2, Part 9, Par 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 four minute presentation :

- Maggie Saunders
- Gill West for the applicant

Following questions from Members, Ms West confirmed

- The large tree that had been cut down had not been protected
- Although the applicant had not consulted all their neighbours, the applicant had openly discussed their plans with neighbours who had contacted them concerning the development

During discussion the following points were noted

- The tree could not be replaced in its previous form therefore the Committee should not focus on its loss although it was noted that a new tree could be planted
- The new building had been insulated to a modern standard which would help alleviate noise and smell
- It was not for the Committee to be involved in environmental health matters and any such concerns should be addressed through that route
- The building did not need change of use
- A condition as to acceptable times of operational use was included
- If the development had been within the permitted scheme, the Committee would not have been able to apply the conditions which would help to allay the neighbour concerns
- The site had had business use for over 60 years and before that had been a blacksmith's premises
- The company was an exporter of bespoke products and the Borough should be proud to have such a business operating within the area
- The Council should support small businesses such as this as they helped to



grow the economy by involving local people and services

Councillor Cumbers proposed to approve the application and Councillor Chandler seconded.

**RESOLVED**

That application 19/01030/FUL be **APPROVED**, in accordance with the conditions in the report.

(Unanimous)

**REASONS**

In the opinion of the Local Planning Authority the proposal represents a proportionate addition to an existing well established business.

The proposal is not considered to unduly impact upon the street scene due to its positioning and is not considered to cause significant impact to nearby residential dwellings due to the quality of the proposed extension providing a better level of acoustic performance than that of existing.

The majority of the noise generating machinery and operational processes are existing at the site and therefore the including of assembling and painting of manufactured goods is not likely to significantly increase the level of noise at present, with the construction of the extension actually minimising noise breakout and mitigating the reduction in separation distance between source and receiver.

Whilst there would be some disturbance created from this proposal this can be managed effectively by the inclusion of operating hours conditions, and the correct materials and insulation being used to mitigate the noise impact.

PL177	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 8.00 pm

Chair