

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 9 April 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>This meeting was held by remote access due to the social distancing requirements of the Covid 19 pandemic</b>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors** P. Posnett MBE (Vice-Chair) P. Chandler  
P. Cumbers J. Douglas  
P. Faulkner L. Higgins  
E. Holmes J. Illingworth  
M. Steadman P. Wood

## **Observers**

**Officers** Assistant Director of Planning and Delivery  
Solicitor to the Council (RP)  
Development Manager  
Democratic Services Manager  
Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's Introduction</b>  The Chair welcomed everyone to the first remote conferencing meeting held at Melton Borough Council. She introduced Members and Officers taking part as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members could hear the proceedings and apart from two Members joining the meeting by telephone, Members could also see the Chair and each other.</p> <p>The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time. The speaking process would involve a slight delay in opening the speaker function for individual Members as and when required as well as consulting those Members who had joined by telephone.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment.</p>
PL188	<p><b>Apologies for absence</b>  There were no apologies for absence.</p>
PL189	<p><b>Minutes</b>  (a) <u>Minute PL185 – Application 19/00245/REM</u></p> <p>Councillor Cumber requested that Minute PL185 be amended to reflect that she asked for her vote to be recorded as being for the motion and not against as stated in the minutes.</p> <p>(b) Subject to the foregoing, the minutes of the meeting held on 27 February 2020 were confirmed and authorised to be signed by the Chair.</p>
PL190	<p><b>Declarations of Interest</b>  Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Application 19/01376/OUT - OS 4250, Burdetts Close, Great Dalby</u>  Councillor Higgins advised that as he had not attended the site visits in respect of this and the previous similar application he would not take part in the debate nor vote and would leave the meeting when the application was considered.</p> <p>Councillor Steadman advised that as she had not attended the site visit for this application, she would not take part in the debate nor vote but would remain in the meeting.</p> <p><u>Application 19/01371/VAC - Spinney Campus - Brooksby Melton College, Melton Road, Brooksby</u>  Councillor Holmes stated that although it had been suggested that she had an interest in this application due her son in law being a Hobby with Rotherby Parish Councillor, she had no personal interest in this application and would therefore take part in the usual way.</p>

PL191	<b>Schedule of Applications</b>						
	Councillor Higgins here left the meeting due to having not attended site visits in respect of this development.						
PL192	<p><b>Application 19/01376/OUT</b></p> <table border="1" data-bbox="288 342 1433 607"> <tr> <td data-bbox="288 342 496 383"><b>Reference:</b></td> <td data-bbox="496 342 1433 383">19/01376/OUT</td> </tr> <tr> <td data-bbox="288 383 496 423"><b>Location:</b></td> <td data-bbox="496 383 1433 423">OS 4250, Burdetts Close, Great Dalby</td> </tr> <tr> <td data-bbox="288 423 496 607"><b>Proposal:</b></td> <td data-bbox="496 423 1433 607">Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved</td> </tr> </table> <p>The Development Manager addressed the Committee and provided a summary of the application. She explained that the Committee had previously approved an application for the same development in December 2018 subject to a Section 106 Agreement and which was now the subject of a pending Judicial Review initiated by the Parish Council and that this had no bearing on determining this application. She added that the Inspector had concluded that there would be limited harm to the heritage assets and this would be outweighed by the benefits of the application. The application was recommended for approval subject to an amendment to condition 18 as follows:</p> <p>No development approved by this planning permission shall take place until such a time a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Where a pumped solution is proposed the full evidence demonstrating that a gravity solution is not viable must be submitted. Where pumping is demonstrated to be required the scale of the pumped catchment must be minimised as much as practicable. The permission should also secure, through a Section 106 Agreement, contributions towards education provision, sustainable transport, maintenance of open space, affordable housing, expansion of health service facilities in the area and waste services.</p> <p>In response to a concern regarding flooding at the site, the Development Manager referred to the comments in the report on managing any such risk and also advised that more information would be supplied at the reserved matters stage should permission be granted.</p> <p>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 four minute presentation:</p> <ul style="list-style-type: none"> <li>• Councillor Beth Johnson, Burton and Dalby Parish Council</li> </ul> <p>Following Members’ questions, it was confirmed by Councillor Johnson that the Parish Council’s concerns related to the layout and character of the site and although there had been communication with the applicant for the first application, there had been none for this application.</p> <ul style="list-style-type: none"> <li>• John Moore, Objector</li> </ul>	<b>Reference:</b>	19/01376/OUT	<b>Location:</b>	OS 4250, Burdetts Close, Great Dalby	<b>Proposal:</b>	Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved
<b>Reference:</b>	19/01376/OUT						
<b>Location:</b>	OS 4250, Burdetts Close, Great Dalby						
<b>Proposal:</b>	Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved						

- Dan Hatcher, Applicant

Following a Member's query, it was confirmed that there had been engagement with the Parish Council on the first application but due to differing opinion and attempting to find a balance, consultation on this application had been with Planning officers and other consultees.

- Councillor Robert Child, Ward Councillor

(Councillor Chandler left the meeting, resumed connection and re-entered the meeting within approximately a 3 minute period.)

It was noted by the Development Manager and Assistant Director of Planning and Delivery that the points made by speakers on heritage were addressed in the report at paragraph 3.3 and the references relating to potential alternative schemes were not material planning considerations on this application.

During discussion the following points were noted:

- Concern as to the narrow, bottle-neck access point and on-street parking of the neighbouring properties at the access for such a large development although it was mentioned that there was parking provision included in the proposal
- Concern that the development did not meet the character, historical and conservation aspirations of the village for future generations and considered there was opportunity for better design and an improved scheme
- Councillor Illingworth proposed that the application be deferred to allow further consideration with the Parish Council and Ward Councillor on the access, style of dwellings in the context of the conservation area and the need for more detail on the proposal. Councillor Faulkner second the motion
- The Solicitor to the Council pointed out that style of dwellings was not part of this application and would form part of reserved matters and therefore should be removed from the motion
- Councillor Illingworth added that he did not wish to dilute his motion by removing the design of dwellings
- It was agreed that the Chair and Vice Chair be also involved in the discussions to consider the access, layout, design within the context of the conservation area

### **RESOLVED**

That application 19/01376/OUT be **DEFERRED** to allow consultation with the Parish Council, Ward Councillor, Chair and Vice of the Committee on the layout and access in the context of the conservation area.

(9 in favour, 1 abstention)

Councillor Higgins here re-entered the meeting.

The Chair advised that the meeting would adjourn for the Clap for our Carers campaign at 8 pm for 5 minutes should the meeting not have ended by then.

**Application 19/00707/FUL**

<b>Reference:</b>	19/00707/FUL
<b>Location:</b>	Land at Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray
<b>Proposal:</b>	Construction of new dwelling

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

It was noted that the development was in the Egerton Ward and not in the Newport ward as indicated in the report.

The Development Manager responded to Member queries relating to the bridleway being on a private road, the materials for the proposal were the subject of a specific condition, the mobile home was to be removed however this could be amended by Members should they wish to and the archaeology of the site which was detailed in the report.

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 four minute presentation:

- Richard Cooper, Agent, HSSP Architects

Mr Cooper responded to a Member query as to the carbon footprint credentials of the proposal and explained that the building had a southerly aspect, the roof overhung the building which helped prevent overheating and the building was fit for the future in so far as the site allowed.

During discussion the following points were noted:

- It was felt the design was well thought out, designed for the future with climate change features and would look attractive in the setting
- Councillor Illingworth proposed that the application be permitted and Councillor Holmes seconded

*During the consideration of this application, public participants in the meeting indicated a desire to speak on the application using the messaging function of the software.*

- The Democratic Services Manager advised members of the public who were observing the meeting, that they could not speak at the meeting as they had not registered to do so in advance of the meeting as set out in the Public Speaking Scheme set out in the Constitution
- The advice was supported by the Solicitor to the Council who explained that speakers normally needed to register to speak in advance of the meeting
- It was noted that no members of the public had registered to speak and yet there had been several letters of objection
- It was noted that the adjacent land could not be conditioned as to use as it was not part of this application

The meeting was adjourned at 8 pm for 5 minutes to allow those present to take part in the Clap for our Carers campaign. The meeting reconvened at 8.05 pm.

- Members felt that the democratic process should be followed and there should be transparency in the speaking process and there may have been some confusion in people registering for the remote meeting implying there would be an opportunity for the public to speak
- Due to this meeting being the first held in remote circumstances, Councillor Illingworth felt the most democratic way forward was to withdraw his motion
- Councillor Holmes proposed that the application be deferred to allow the public to register to speak at a future meeting. Councillor Cumbers seconded the motion
- It was proposed, seconded and carried that the application be deferred to allow further opportunity for members of the public to register to speak on the application.

**RESOLVED**

That application 19/00707/FUL be **DEFERRED** to allow further opportunity for members of the public to register to speak.

(Unanimous)

PL194 **Applications 19/01379/VAC and 19/01380/VAC**  
These applications had been withdrawn.

PL195 **Application 19/01371/VAC**

<b>Reference:</b>	19/01371/VAC
<b>Location:</b>	Spinney Campus - Brooksby Melton College, Melton Road, Brooksby
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>• Removal of Condition 20 (phasing for implementation of the whole development and requirement of the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings).</li> <li>• Proposed amendments to s106 obligations</li> </ul>

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application and updated Members on the amendments that had been made since the application had been deferred to provide an opportunity for further discussions with the Parish Council and Ward Councillor. Following those discussions, he advised the application now offered 6 affordable homes comprising 4 shared ownership and 2 discount market homes, all of which to be provided on the applications site.

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 four minute presentation:

- Stuart Robinson of Hoby and Rotherby Parish Council
- Dawn Whitemore, Principal of Brooksby Melton College

Ms Whitemore responded to Members’ questions that the theatre provided a valuable contribution to the college in educational provision and was a key component for the foreseeable future of the college. With regard to the King Street site, she referred to three organisations having approached the college with development proposals although due to the Covid 19 pandemic the position

could not be confirmed. She advised that one of the college's requirements for any development was to retain the archaeological merits including the frontage.

- Councillor Ronan Browne, Ward Councillor

In responding to a Member's query, Councillor Browne confirmed that a part off-site contribution would be acceptable should 12 affordable homes not be approved however he would accept whatever the Committee determined.

At 8.57 pm, there was a motion to continue the meeting beyond the 3 hour threshold as set out in the Constitution and Members voted unanimously to continue the meeting.

During discussion the following points were noted:

- Following the appeal, a Member felt there was a significant loss of benefits including a reduction in funding to develop the theatre as well as the loss of affordable homes and the development of the King Street site. The Councillor considered that the college should make an off-site contribution to meet affordable housing need in rural housing for the Borough due to their reduced investment in this application
- Farming was a base industry of the area and the application should be supported as it brought positive improvements to the hall as well as the provision of 6 affordable homes
- There was also support for the college's educational offering and outstanding rural activities and the way the college kept up to date in a changing farming environment
- There were Members that felt that the loss of the King Street development and other services was regrettable and an off site contribution to affordable housing was still needed

Councillor Holmes proposed recommendations 1 and 2 of the report and Councillor Posnett seconded the recommendations.

**RESOLVED** that

(1) application 19/01371/VAC be **APPROVED**;

(2) the proposed variations to the s106 agreement are authorised.

(9 in favour, 2 against)

(Councillors Faulkner and Higgins requested that their votes against the preceding application be recorded.)

**REASONS**

In the opinion of the Local Planning Authority the proposal presents a composite package of measures that would allow substantial investment in the College facilities at both the Brooksby and Melton Mowbray campus locations. Investment accruing from the development in the College's primary heritage asset, Brooksby Hall, would not be affected by the proposals. The NPPF advises great weight should be assigned to heritage assets and their conservation.

The investment would facilitate and significant enhancement of the educational and

cultural acumen and offer of the Borough, contributing to its priorities in terms of sustainable and inclusive growth and for which there is no realistic alternative means of funding. This is considered to outweigh the harm resulting from the loss of the 'village shop' and employment space in sustainability terms.

Evidence has been provided that indicates the existing planning requirements (on which the grant of permission in 2017 is based) are unattractive to the market and would provide limited receipt, such that no meaningful re-investment in facilities would be realised.

The affordable housing, both on and off site, is not required in full, due to the Vacant Building Credit component of national planning policy. This would allow a 'discount' from the level of Affordable Housing provided to approx. 12 (from 27 previously incorporated – 21 of which would have been 'off site' at King St, Melton Mowbray). The proposed provision of 6 units at Brooksby is considered appropriate to meet identified local needs and an acceptable compromise within the context of the background to the application.

The proposal would sever dependency of the King St site on the progress made at The Spinney, allowing it to be pursued as a development and regeneration opportunity independent of events at The Spinney.

PL196	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 9.22 pm

Chair