

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 23 July 2020</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>By remote video conference</b>

## Present:

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

**Councillors** P. Posnett MBE (Vice-Chair) R. Bindloss  
R. Browne P. Chandler  
P. Faulkner A. Hewson  
L. Higgins E. Holmes  
M. Steadman P. Wood

**Officers** Assistant Director for Planning and Delivery  
Locum Planning Solicitor  
Democratic Services Manager  
Planning Officer (AC)  
Democratic Services Officer (SE)

Minute No.	Minute
	<p><b>Chair's Introduction</b></p> <p>The Chair welcomed everyone to the Planning Committee meeting. She introduced Members and Officers as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. 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.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment. She advised that the meeting would be recorded and live-streamed on You Tube.</p>
PL31	<p><b>Apologies for Absence</b></p> <p>There were no apologies for absence.</p>
PL32	<p><b>Minutes</b></p> <p>(a) The minutes of the meeting held on 25 June 2020 were confirmed and authorised to be signed by the Chair.</p> <p>(b) The minutes of the meeting held on 2 July 2020 were confirmed and authorised to be signed by the Chair.</p>
PL33	<p><b>Declarations of Interest</b></p> <p>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>Minute PL35 : Planning Appeal: 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Browne declared a personal interest in this item as the objector speaking on the application at the meeting was employed by the same organisation as himself.</p> <p><u>Minute PL35 : Planning Appeal: 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Steadman confirmed that she would be representing her ward on this item by making a representation to the Committee. She would therefore leave the meeting during debate and voting on this item in accordance with the Council's Procedure Rules.</p>
PL34	<p><b>Schedule of Applications</b></p>

**Planning Appeal 19/00741/FUL**

<b>Reference:</b>	Planning Appeal : 19/00741/FUL
<b>Location:</b>	Field OS 4011, Tofts Hill, Stathern
<b>Proposal:</b>	Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

(Councillor Steadman declared her intention to speak as Ward Councillor on this application and here left the Committee and moved into the public speaking gallery.)

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the current position relating to the planning appeal. He explained that although there was no application to consider, the Committee's view was needed on whether or not the Council was to contest the appeal and if so planning reasons and evidence were needed to support the Council's case. It was mentioned that the costs regime would apply therefore it was important to provide valid reasons and evidence.

It was mentioned that the issues of concern were detailed at page 18 of the report. A cross section of the slope across the hill was also suggested to provide a better understanding of the topography of the site. Mr Worley advised that this information was not currently available.

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 Ken Bray, Chair, Stathern Parish Council

In response to Member questions, Councillor Bray advised there was no approved Neighbourhood Plan as yet and there were photographs available to evidence land slippage relating to the site.

- David Mell, Objector
- Helen Broadhurst, Agent, Vale Planning Consultants

In response to Member questions, Ms Broadhurst advised that

- the terracing and works identified in the independent report enabled the drainage of the site to be managed
- the development was on the flatter part of the site
- the development did not extend beyond the line of the existing buildings on the other side of the road
- the allocation of 3 minutes was not long enough to address all the technical queries and details relating to the site but referred the Committee to the

- independent review of the ground conditions report for such information
- the independent report outlined a safe and deliverable strategy for dealing with the land matters raised
  - the developer did not have permission to take samples from neighbouring sites and had to rely on ground samples from the site in question and she felt these provided a good representation of the site and surrounding land
  - the independent report had been commissioned in February and had been delayed due to the lockdown and had not been available until June
  - the report contained all the information needed to enable the development of the site to go ahead
  - the report took into account variable weather conditions and the water movement solutions which had been carefully designed to manage the drainage of the site
  - Dr Cooper's objection being received on the day of the February Committee meeting did not allow her client the opportunity to respond and address the concerns raised and this made non-determination an option as a way forward
  - the development proposals will manage the surface water and mean that water will not flow in the same way as on the current green field site
- Councillor Mel Steadman – Ward Councillor

The Assistant Director for Planning and Delivery referred to section 5.1 of the original report and that the application met policies SS1 and SS2 but not SS3. He also agreed with the speakers that the adjacent land to the site needed to be evaluated.

The meeting was adjourned for approximately 5 minutes due to Mr Worley having connectivity issues.

Mr Worley referred to the independent report and felt there was still doubt in the robustness of the proposals and he could not offer assurance based on the information provided. The reason given for the appeal for non-determination was that the applicant was not given sufficient time to respond to the representation received which was detailed in the report. The Council would have preferred to have worked with the applicant rather than following an appeal for the non-determination. It was noted that in his opinion detailed technical information had not been supplied.

During discussion the following points were noted:

- There was concern at the potential for flooding on the site caused by surface water flow from the adjoining hillside
- Members felt they would like more information on the technical detail of how the proposed water management scheme would work
- Members felt they needed all of the above information before they could make a decision on the application
- Members felt duty bound to consider the late representation in February before

determining the application

- Members were disappointed that the applicant chose to appeal for non-determination instead of progressing the application including ongoing discussions with officers
- Members were in agreement with the officer recommendation and also considered that the application did not meet policy SS3
- It was a concern that there was no affordable housing on the site and therefore no benefit to the community in approving the development
- It was felt that the development would have a negative impact on neighbouring properties
- Members did not feel assured that the retaining walls and other measures proposed would be enough to alleviate the flood risk and needed more information to be able to make a decision on the application and would welcome the Inspector's opinion on the application
- There were also concerns as to the number of houses squeezed into the site and queried whether the housing mix could be improved
- It was noted that the appeal deadline for the Committee's submission was 27 July 2020 and should Members wish to add to the officer's recommendation, delegated authority could be granted to the Assistant Director for Planning and Delivery to draft the appropriate wording based on discussions at the meeting
- Members felt that harm caused by the development outweighed the benefits and this should be added to the decision along with the development being in conflict with policies EN1, EN6 and EN13

Councillor Faulkner proposed the recommendation in the report and in addition that delegated authority be granted to the Assistant Director for Planning and Delivery to finalise the wording and add reference to policies EN1, EN6 and EN13 and that the harm outweighed the benefits of the development. Councillor Glancy seconded the motion.

**RESOLVED That the Committee**

**(1) instructs that the appeal is opposed on the basis that there remains insufficient information to enable a conclusion to be drawn on the issues of land stability, hydrology and as a result the adequacy of the proposed drainage system; and**

**(1) delegates authority to the Assistant Director for Planning and Delivery to finalise the wording and add reference to policies EN1, EN6 and EN13 and that the harm was unacceptable.**

(Unanimous)

(Councillor Steadman here re-joined the Committee.)

**REASONS**

These issues were the reason for deferral in February 2020 and are considered to

remain unresolved. In respect of other issues the officer recommendation was for approval but the Committee is at liberty to decide which of them it may consider also represent 'grounds of opposition' (equivalent to 'reasons for refusal' in the context of an undetermined planning application).

The Committee was reminded that the appeal process is a statutory decision making process and the 'disciplines' of decision making are equally applicable. All reason(s) forwarded must therefore be soundly based on planning grounds and supported by evidence, in exactly the way that reasons for refusal are configured when the Council is making the determination.

PL36

**Application 19/00859/OUT**

<b>Reference:</b>	19/00859/OUT
<b>Location:</b>	Field OS 6260, Canal Lane, Hose
<b>Proposal:</b>	Proposed erection of 34 dwellings

The Planning Officer addressed the Committee and provided a summary of the application.

It was noted that the 5 metre buffer to the hedgerow was outside the boundary.

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 Jenny McCulloch, Clawson, Hose and Harby Parish Council

In response to Member questions, Councillor McCulloch responded that

- She was not aware whether or not a Housing Needs Survey had been completed but added that this was the first of 3 developments in Hose which would bring 107 houses in total if all sites were developed
  - The road narrowing feature ('pinch point') of the road layout was the biggest issue for the village and it would mean that some farm vehicles may not be able to get through
  - She advised that the road was only 4 metres and narrowing together with the hard curbs would create a 'pinch point' with no flexibility for wider vehicles. She felt line markings on the road would be a better approach to reduce speed
- Helen Cheetham

In response to Member questions, she advised that the traffic calming measures proposed would mean she would not be able to access her own driveway with her caravan and trailer

- Adrian Kerrison, Agent, Plumtree Homes LLP

In response to Member questions, Mr Kerrison advised that

- The proposed road layout was driven by Leicestershire County Council and was in accordance with the Local Plan which explained that the road had to be widened and then narrowed on entry to the village, creating the 'pinch point'
- The road was current 4 metres and would be widened to 5 metres for approximately 100 metres when it would reduce to 3 metres and 1 lane on entry to the village
- He would accept any change to the relevant condition to satisfy the Committee's concerns but would not wish to have the application deferred

The Assistant Director for Planning and Delivery advised that the condition could be deleted or amended to reflect a different layout design depending on the Committee's view.

(Councillor Chandler was away from the meeting for some of the speaker presentations due to remote connectivity issues and re-joined the meeting at this point. It was confirmed that Councillor Chandler could hear the proceedings although she was not on video.)

The Assistant Director for Planning and Delivery advised that the Parish Councillor's request for a S106 in respect of play equipment would not be possible as it could not be assessed as to whether it complied with CIL regulations at such a late stage in the application's journey and the absence of any detail explaining its relationship with the proposal, therefore this request would have to be declined.

The Assistant Director for Planning and Delivery advised that officers could work with the Leicestershire County Council for a softer more sympathetic highways scheme which was less urbanised than the proposal and this type of approach had been followed on previous applications. The revised scheme would need to be submitted and approved by the Leicestershire Highway Authority and a condition could be added to that effect.

During discussion the following points were noted:

- There was concern for the existing road layout and the width of the road at the entry to the village not being wide enough for farm vehicles and local use
- It was felt that 14 x 4 bed properties was too much for the village but the housing mix would be confirmed at the reserved matters stage
- It was noted that the Local Plan allowed for 4 bed properties if these were subservient to others
- Members felt that the agent had showed compromise on the 'pinch point' in the road and congratulated him on his support for local community concerns in agreeing to work with officers to resolve this matter
- Although there was support for the development, a few Members had reservations that smaller and more affordable homes were needed in villages

Councillor Browne proposed the recommendations in the report with a condition to work with the Leicestershire Highway Authority to vary the road layout to be more sympathetic to users in the local community. Councillor Posnett seconded the motion.

**RESOLVED**

**That application 19/00859/OUT be APPROVED with a condition to work with the Leicestershire Highway Authority to vary the gateway feature on Canal Lane to be more sympathetic to the rural character of the area and subject to existing conditions and a Section 106 Agreement (as set out in the report) to secure contributions towards:**

- (a) Primary and secondary education provision.**
- (b) Contribution to sustainable transport options.**
- (c) Contribution towards waste services.**
- (d) NHS contribution**

(Unanimous)

**REASONS**

The application site is allocated for housing in the Melton Borough Local Plan and Neighbourhood Plan and two extant outline planning permissions have been granted previously for the erection of 41 dwellings. The principle of the development is considered acceptable subject to detail provided in a future reserved matters application.

Access from Canal Lane can be provided in accordance with Local Highway Authority Design Guidance and subject to conditions there would be no significant adverse impact on highway safety.

PL37	<b>Urgent Business</b> There was no urgent business.
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The meeting closed at: 8.26 pm

Chair