

Minutes

Meeting name	Planning Committee
Date	Thursday, 6 August 2020
Start time	6.00 pm
Venue	By remote video conference

Present:

Chair Councillor M. Glancy (Chair)

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

Officers

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

Minute No.	Minute						
PL38	<p>Apologies for Absence An apology for absence was received from Councillor Bindloss. Councillor Smedley attended as his substitute.</p>						
PL39	<p>Declarations of Interest 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 PL41 : 19/01113/FUL – Field OS 8695, Brooksby Road, Hoby</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 Hoby with Rotherby Parish Councillor, she had no personal interest in this application and would therefore take part in the usual way.</p> <p><u>Minute PL42: 20/00102/FUL - Former Southfields Farm, Church Lane, Somerby</u> Councillor Higgins confirmed that he would be representing his ward on this application by making a representation to the Committee. He would therefore leave the meeting during debate and not vote on this item in accordance with the Council's Procedure Rules.</p>						
PL40	<p>Schedule of Applications (Councillor Chandler here left meeting due to loss of remote connection.)</p>						
PL41	<p>Application 19/01113/FUL</p> <table border="1" data-bbox="288 1263 1430 1435"> <tr> <td>Reference:</td><td>19/01113/FUL</td></tr> <tr> <td>Location:</td><td>Field OS 8695, Brooksby Road, Hoby</td></tr> <tr> <td>Proposal:</td><td>Erection of four affordable dwellings and the re-location of the children's play area</td></tr> </table> <p>The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the application.</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 3 minute presentation:</p> <ul style="list-style-type: none"> Councillor Stuart Robinson, Chair, Hoby with Rotherby Parish Council <p>(Councillor Chandler here re-joined the meeting. The Legal Advisor explained that Councillor Chandler could not take part in the debate nor vote as she had not been present for the whole application.)</p> <ul style="list-style-type: none"> Colin Wilkinson, Agent, Planit-X Town and Country Planning Services Limited 	Reference:	19/01113/FUL	Location:	Field OS 8695, Brooksby Road, Hoby	Proposal:	Erection of four affordable dwellings and the re-location of the children's play area
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Location:	Field OS 8695, Brooksby Road, Hoby						
Proposal:	Erection of four affordable dwellings and the re-location of the children's play area						

It was noted that this and the planning application relating to Brooksby College were following independent courses and were not connected.

With regard to there being limited access to public transport, it was advised that the criteria for affordable housing, although desirable, was not reliant on the provision of public transport.

During discussion the following points were noted:

- Members felt the affordable housing was a positive scheme but the relocation of the children's play area was a negative for the development and it was the balance between the two which was the main subject of discussion
- The relocation of the play area was felt to be detrimental to the application being nearest to the sewage works and in a notoriously wet area of the site and made the development contrary to policy D1
- It was felt that the developer needed to review the needs of the village and the environmental impact of the play area's relocation in liaison with the Parish Council, Ward Councillor and local community and return with an improved scheme
- Members were in agreement with the officer recommendation to refuse the application and were minded to include other policies that they felt were in conflict with the application, being policies D1, C7 and C9 and SS3
- The Assistant Director advised that robust planning reasons were needed for adding each extra policy to the refusal and they needed to be defensible at appeal
- It was felt that policy D1 was not an appropriate reason for refusal in this case
- There was concern that there could be too many affordable homes in Brooksby

Councillor Holmes proposed that the application be refused in accordance with the recommendation and also being in conflict with policies C7, C9 and SS3. Councillor Steadman seconded the motion.

RESOLVED

That application 19/01113/FUL be REFUSED in accordance with the recommendation and also being in conflict with policies C7, C9 on the basis of the impact on the play area as a community facility and feature of the village, and SS3 with respect to the 'proven need' for the dwellings.

(9 for, 1 against, 1 abstention)

REASONS

1. The proposal comprised the provision of four affordable houses where a need had been identified for the type of housing proposed. However permission existed which was deliverable at an alternative site within close proximity to meet that need and as such there was no need for this particular proposed

development which is contrary to Policy C5 and SS3 of the Adopted Local Plan relating to unmet need.

2. The proposal would fail to protect the exiting community facility in the form of the play area, proposed to be relocated to a inferior location. It is therefore considered to be contrary to Policy C7 of the Adopted Melton Local Plan 2018.
3. The proposal would result in the loss of a valuable and accessible green space which makes a positive contribution to the health and well being of the community of Hoby. It is therefore contrary to Policies C9 and D1 of the Adopted Melton Local Plan 2018.

PL42

Application 20/00102/FUL

Reference:	20/00102/FUL
Location:	Former Southfields Farm, Church Lane, Somerby
Proposal:	Erection of 10 dwellings and associated turning head

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

The Planning Officer addressed the Committee and provided a summary of 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:

- Councillor Carl Powell, Somerby Parish Council
- Barbara Yandell, Objector

In response to a Member question on the rewilding area, Ms Yandell responded that although unsure how this would be managed, she considered the developer or Parish Council could maintain the rewilding area in the scheme.

- Richard Cooper, Agent, HSSP

In response to Member questions, Mr Cooper advised that

- The intention of the developer was to offer the rewilding paddock to the 2 largest plots and the maintenance would fall to those owners
- The management of the shared green areas would be the responsibility of the whole development and would be included by legal agreement when the plots were sold
- As the rewilding area adjoined the 2 largest plots and they had access, view

and most benefitted from the rewilding area, it was most logical for these plots to be offered sole custody of the paddock and not be subject to the development's green area management agreement

- The developer had right of access via Owston Road to the site during the construction of the development only
- Councillor Leigh Higgins – Ward Councillor

With regard to emergency services access to the site, the Planning Officer advised that this was covered at page 23 of the report and the requisite access was available. He also advised there were 2 bungalows on the development not 3 as mentioned by the agent.

The Assistant Director responded to the request for a condition relating to the protection of the rewilding area against a future planning application and advised that a condition didn't offer the security sought as the Council could not prevent a planning application in the future for any site and only a S106 agreement had such powers.

There was concern that the owners of plots 8 and 9 would be able to landscape the rewilding area to their own design. The Assistant Director advised that that would constitute a change of use and be the subject of the usual planning controls.

During discussion the following points were noted:

- There was a turning area included in the layout of the development which meant residents would be able to enter and leave in a forward direction which would assist road movements for neighbours and other users on Church Lane
- The affordable housing provision was felt to be generous as was the S106 agreement to contribute to local education
- The rewilding area would enhance the development
- There was concern as to what would happen to the rewilding areas if the purchasers of plots 8 and 9 did not want to buy them. The Assistant Director advised there was provision in condition 4 for that eventuality
- Members were satisfied that the Parish and Ward Councillors had worked with the land owner to reach the optimum development on the site with local community benefit
- Members' main concern was the rewilding area and how this would be retained and managed in the future and it was felt that a stronger condition was needed to ensure this commitment was in place
- An additional condition was proposed as follows: to create a rewilding site to the south of the development next to plots 8 and 9 and this remain a rewilding site in perpetuity with a maintenance plan going forward

Councillor Holmes proposed the recommendation in the report with an additional condition to create a rewilding site to the south of the development next to plots 8 and 9 and this remain a rewilding site in perpetuity with a maintenance plan. Councillor Chandler seconded the motion.

RESOLVED

That application 20/00102/FUL be **APPROVED** subject to:

(1) conditions and completion of a Section 106 Agreement to secure contributions towards:

- (i) Primary and secondary education provision;**
- (ii) The Provision of 1 x discount market Home, held in perpetuity and sold at no more than 65% of the open market value;**

(2) an additional condition to create a rewilding site to the south of the development next to plots 8 and 9 and this remain a rewilding site in perpetuity with a maintenance plan.

(Unanimous)

REASONS

The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan. The site currently benefitted from an extant outline permission for 12 dwellings.

The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archaeology grounds that would warrant refusal. For these reasons, the proposal was considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm was considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Councillor Higgins here re-joined the Committee.)

PL43

Application 20/00433/OUT

Reference:	20/00433/OUT
Location:	66 Dalby Road, Melton Mowbray
Proposal:	Proposed apartment block to create 15 apartments

The Assistant Director for Planning and Delivery addressed the Committee and provided a summary of the report. He referred to a petition signed by 38 residents who objected to the development. These concerns as well as several other submissions related to the density of the development, overshadowing, overlooking as well as insufficient parking provision and drainage issues.

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:

- Karen Matthews, Objector
- Laura McMullan, Agent, Hayward McMullan

In response to Member questions, Ms McMullan advised that

- The application was at the outline stage and if required the landscaping scheme could be reviewed with Council Officers to provide a more environmentally friendly scheme including outside space for residents
 - The development was an investment to help finance the charity and would not directly benefit those who were the subject of the charity's work
- Councillor Alan Pearson – Ward Councillor

Members felt there was an opportunity to improve the development and make it work for the area and the local residents as well as review the parking provision.

The Assistant Director for Planning and Delivery reiterated that this was an outline application and there was the opportunity to improve the layout and design when the detailed application was submitted.

Some Members felt they had taken that advice previously and then not been able to amend plans at the detailed stage and been informed that such matters should have been raised at the outline stage.

During discussion the following points were noted:

- It was considered that the design needed to be more sympathetic to the street scene and have more emphasis on quality of life for the occupants, less units, landscaping and green open space and sufficient parking for residents and guests
- It was felt that the current design was over-intensive and more suited to the city and did not fit in with the surrounding Dalby Road properties
- Members were minded to refuse on the grounds of being in conflict with policy EN1 and D1
- It was felt there should be discussions between local residents, the Ward Councillors and Planning Officers to agree a more sustainable development which met the needs of the community, using Dorian Court as a model
- The Assistant Director advised that policy EN1 did not fit as a reason for refusal therefore Members were in agreement to use policy D1 only

It was reported that Councillor Wood had lost his internet connection during consideration of this application and was not present for the vote.

Councillor Holmes proposed to refuse the application on the grounds of over-development of the site and being in conflict with policy D1. Councillor Glancy seconded the motion.

RESOLVED, contrary to the Officer recommendation,

That application 20/00433/OUT be REFUSED on the following grounds:

The proposed development, by virtue of its scale and extent of accommodation, would represent an overdevelopment of the site, resulting in the inadequate provision of amenity area and/or car parking facilities for future residents. The layout would therefore not satisfy the design requirements set out in Policy D1 of the adopted Melton Local Plan 2008 and part 12 of the NPPF 2019 'Achieving well designed places'

(Unanimous)

PL44

Urgent Business

(a) Planning for the Future – Government White Paper – Consultation commenced on 6 August 2020

It was noted that the above document would be circulated to the Committee and Members would be involved in a workshop to understand the implications of the proposed new legislation and develop the Council's response.

(b) Affordable Housing Workshop

An Affordable Housing Workshop was being arranged and details would follow in due course.

The meeting closed at: 8.26 pm

Chair