



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

19 November 2015

PRESENT:

J Illingworth (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, P Faulkner, M Glancy,
E Holmes, P Posnett, J Wyatt

Solicitor to the Council (HG), Legal Officer (SP), Head of Regulatory Services,
Applications and Advice Manager (JW), Administrative Assistant (AS)

The Chair offered thanks on behalf of the planning committee to Harjit Gill, Solicitor to the Council, who is leaving and welcomed Sunny Patel who was shadowing Harjit at the meeting and is the newly appointed Legal Officer.

D49. APOLOGIES FOR ABSENCE
None

D50. DECLARATIONS OF INTEREST
None

D51. MINUTES

Minutes of the meeting 29 October 2015

Cllr Glancy noted that some information was missing from page 111 which should have come prior to Cllr Posnett withdrawing her proposal to defer. Cllr Glancy stated that she had asked if Members had received further information by email regarding the planning condition relating to the original outline planning application. The wording was "The space shall be maintained in perpetuity for its designated use" however that is not noted anywhere in the minutes of 29 October.

The Chair asked if Members could recall these comments and that the minutes be amended accordingly.

The Members agreed that they could remember the comments being made and Cllr Cumbers commented that it was an important part of the discussion.

Cllr Holmes asked that the minutes be amended to state that she was in attendance at the meeting as her name had been omitted from the list of attendees.

Cllr Glancy was also omitted from the list of attendees and this was also to be amended.

Approval of the Minutes was proposed by Cllr Glancy and seconded by Cllr Holmes. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

The Chair informed Members that it had been previously agreed to adjust the agenda to take the 15/00710/FUL, John O'Gaunt application first.

D52. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 15/00710/FUL
Applicant: Mr and Mrs L Atton
Location: Station House, Station Road, John O'Gaunt, LE14 2RE
Proposal: Proposed dwelling on land adjacent to Station House

- (a) The Head of Regulatory Services stated that:

(a) Comments from Cllr Higgins:

Please note this entry is just for background on the locality which should be considered by the Council when determining its immediate sustainability within the setting of the parish of Twyford.

A historical document "The Comprehensive Gazetteer of England and Wales" describes John O'Gaunt as a station within the parish of Twyford (1894-95). The station, opened in 1879, was called John O'Gaunt. Over time it is clear that a smattering of houses grew around the station and local diary, to what is now known as John O'Gaunt rather than Twyford. However this belies the historical ties of the area, and to this day, to the Parish of Twyford.

The village of Twyford for the current, and former, purposes of the historical parish, Parish Council and the electoral role, includes residents living in John O'Gaunt. It is not seen as a separate entity and John O'Gaunt is within the parish of Twyford.

John O'Gaunt is connected to Twyford by a well maintained footpath. The footpath runs throughout John O'Gaunt into Twyford with no break. The proposed site is located approximately half a mile to the main services within Twyford. These consist of a Church, two shops, public house,

recreation ground, village hall, allotments and bus stop which serves Oakham and Melton. A little further walking distance, approximately under a mile on Ashby Road, Twyford, leads to another bus service serving the Leicester & Melton route.

There are three primary schools close to the area at Gaddesby, Somerby and Great Dalby. The latter is served by a dedicated school bus just half a mile from the site location.

Within the immediate area there are two reasonable employment areas of the John O'Gaunt industrial estate and Burrough Court Estate. The nearest doctors surgery is located at Somerby just 3.5 miles (also served by the 113 bus route).

(b) Parish Council comments, explaining the basis for their support:

- Government is currently positively encouraging new housing development. The dwelling would be in keeping with the majority of residences in the hamlet of John O'Gaunt & not obtrusive.
- The family would be releasing a smaller house (in which they now live) for sale.
- Local people are in support of the project which would add character to the hamlet.
- Mr & Mrs Atton's son, who would live there with his family, would be better placed to maintain the small rented units on the site.
- Another residence would improve security for the existing dwelling & units & would hardly add to the noise in the area.
- The hamlet is on a bus route which links various villages, the Burrough Court estate & the doctor's surgery.

13 further letters, all in support on the following grounds:

- The house would enhance the area
- Another industrial unit would not be acceptable to local residents
- The site is ideally suited to a house and is better than it being left unused
- The house will reflect the family's commitment to the area
- The house will not affect other houses and will generate less traffic than if industrial units go ahead
- There is congestion of the road to Oakham from HGV's at which industrial units would worsen
- There is a surplus of available industrial units in the area (this site and Burrough Court have some vacancies)
- The application would enable long standing members of the community to remain within it in a house that would suit their needs as they become older.
- The plans allow for enough land to remain for future units if needed.
- The house would assist with security
- An additional house would assist towards the case for retaining the

bus service, that is currently under threat

(b) Mrs Sandy Johnson, the Chair person on behalf of Twyford and Thorpe Satchville Parish Council, was invited to speak and stated that:

- The application has large support from the local community.
- John O Gaunt and its neighbouring village of Twyford are sustainable locations for new housing

- Meets the needs of present and future generations.
- Little visual impact as it is well screened by mature trees.
- Larger and similar sized houses above and below the location of the proposed dwelling.
- In keeping with the surrounding settlement.
- There is a well used footpath connecting John O'Gaunt with Twyford which has amenities.
- The hamlet cannot be considered to be isolated.
- Land of proposed dwelling has previously been built on.
- There is also a Creamery on the site.
- Currently appears to be a field, however that it due to the care of the current owner to cover over the rail track which is an eyesore.
- It is not open countryside.
- Previous planning permission was for three small industrial units however this is no longer economically viable.
- The addition of the proposed dwelling would add extra security for the businesses renting units on site and would possibly encourage some diversification.
- The addition of another family would help to keep the social and networking community alive.
- Mr Atton's son currently maintains the buildings on the site.
- The Government are encouraging more housing stock throughout the country.

The Chair asked for clarification if Mrs Johnson was speaking on behalf of the Parish Council or Applicant.

Mrs Johnson confirmed that she was speaking on behalf of the Parish Council, in support of the applicant.

(c) Maurice Fairhurst, agent for the applicant, was invited to speak and stated that:

- It is not undisturbed greenfield land.
- It is proven that the land has previously been developed.
- The site isn't in the open countryside and is not isolated.
- It is employment land.
- Adjacent land to the south has been developed for commercial

purposes.

- The applicants have owned the land for 30 years and the station buildings for over 45 years. During this time they have developed the station site for employment use as required by Council policy.
- Despite long term marketing further commercial development has not been viable.
- New commercial units are unlikely to be built in future on this site due to the freedoms available to the commercial use of farm buildings in rural areas.
- The proposal makes effective use of the land.
- It will ensure the appearance of the site is enhanced and maintained.
- It will provide a purpose designed home for a local couple.
- Traffic generated and visual impact will be less damaging than the allocated commercial use.
- There is substantial community support and the local community will benefit.
- John O'Gaunt has a 15 minute footpath to Twyford and the same public and school bus services as Twyford and Somerby.
- A Drs surgery is closer to this site than to the houses in Twyford.
- The proposal has far more benefits than harm.

Cllr Simpson asked for clarification of where the applicant's son travels from and if he currently resides in the Borough.

Mr Fairhurst responded that he did not have this information.

Cllr Simpson added that the reason for her question was to find out if the son moving into the proposed property in John O'Gaunt, would release another house within the Borough.

The Head of Regulatory Services noted that the speakers had spoken about the advantage to the family however the application had not been promoted in that way. He asked if the applicant would consider a personal condition on this house should the Committee permit.

Mr Fairhurst stated that this eventuality had not been discussed with the applicant and asked for clarification of the suggested condition.

The Head of Regulatory Services responded that it would be the standard wording from the model conditions.

Mr Fairhurst commented that he failed to see a long standing planning purpose for that condition.

Cllr Higgins asked for an adjournment before he took his place to speak to allow him to confer with his constituent regarding matters raised by the Head of Regulatory Services.

The Chair granted an adjournment at 6.23pm. The meeting reconvened at 6.24pm.

Cllr Higgins stated that he had consulted with the applicant and their agent and they would be obliged to accept a personal condition should the Committee decide to permit the application and feel this condition should be put on the dwelling.

(d) Cllr Higgins, Ward Councillor for Somerby, was invited to speak and stated that: He thanked the Chair for allowing this application to be brought forward on the agenda.

- The application is wholeheartedly supported by the local community.
- There have been 31 letters of support, many from immediate neighbours and those affected by the development.
- This house will support Borough on the Hill and Twyford.
- Any traffic increase would be a minor harm.
- The generalised fear of precedent can only be given limited weight.
- Many residents see this as an extension of the village.
- There is a well maintained footpath from the site location to the centre of the village where there are two bus services.
- It is a 7 or 8 minute walk rather than a 15 minute walk as previously suggested although I am a younger person.
- Local demand for 2 and 3 bedroom properties.
- Welcome addition to the housing stock in the Borough and also the Somerby ward.

Cllr Simpson asked where the applicants son travels from.

Cllr Higgins replied that the applicants son travels from Old Dalby to John O'Gaunt so it would cut that traffic out.

Cllr Holmes asked for clarification regarding the increased security and if it would be helpful.

Cllr Higgins replied that he thought it would be helpful, as you would have to pass the house to get to the industrial units, so the house would have a gate keeping type of role.

Cllr Wyatt proposed to permit the application.

Cllr Holmes seconded the proposal and added that the industrial site is well used and some of the wares on the site are expensive, so anything that increases security should be welcomed. It would also be helpful to the applicants to have their family living close by.

The Chair offered a point of clarification that Members are proposing to permit the application which is contrary to the officers recommendation.

Cllr Wyatt commented that due to its proximity to the nearby village and availability of amenities it would be fairly sustainable.

Cllr Holmes agreed to the reasons and wished to add security as a further reason.

The Chair confirmed that Cllr Wyatt was in agreement to add the further reason.

Cllr Baguley asked for clarification regarding the standard conditions.

The Head of Regulatory Services asked Cllr Wyatt if he wished to delegate conditions and if he felt there was a role for the personal condition discussed earlier.

Cllr Wyatt confirmed that he only wished to include standard conditions and didn't want any additional one.

Cllr Simpson offered her support for the application due to the proximity of the villages in the vicinity and the footpath.

Cllr Botterill asked what precedent would be set, if any, if they approved the application without conditioning it.

The Head of Regulatory Services responded that the proximity and accessibility to Twyford is common to everywhere in John O'Gaunt. The issues about security and site management are very specific to this site so there is no precedent at all as this is unique to this applicant. They would be unique in other places too.

Cllr Chandler commented that she wouldn't take part in the vote due to the Inspectorate decision this week regarding sustainability.

A vote was taken. 9 Members voted to approve the application and 2 Members abstained.

DETERMINATION: PERMIT, subject to conditions delegated to the Head of Regulatory services, for the following reasons:

The site is located in close proximity to facilities in John O Gaunt and Twyford and benefits from good transport links to further facilities in the wider area. Its presence would assist with site management and provide added security for the industrial activities on the adjacent site.

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- (2) **Reference:** 15/00588/FUL
Applicant: Mrs G Stephens
Location: Pasture View Farm, Thorpe Satchville Road, Kirby Bellars LE14 2TH
Proposal: Installation of a single wind turbine measuring 40.2m to hub and 57.7m to blade tip with associated infrastructure and access track

(a) The Applications and Advice Manager stated that: This application seeks planning permission for the installation of a single wind turbine at Pasture View Farm, Kirby Bellars. The turbine will have a hub height of 40.2 metres and an overall maximum height to blade tip not exceeding 57.7 metres.

(b) **Since publication of the report an additional 19 objection letters from 16 households have been received, three petitions with a total of 58 signatures and 1 support letter has been submitted.**

The objections received can be summarized as follows;

- Contravention of Planning Policy and the Written Ministerial Statement of the Secretary of state for Communities and Local Government
- Landscape and visual harm
- Visual appearance
- Cumulative impact
- Lack of consultation
- Incorrect location/plans./visuals
- Harmful to the Conservation Area and Listed Buildings
- Health
- Recent decisions at Park and Hall Farm
- The petitions state that the proposal does not have the support of the Local Community and would have a detrimental impact on the nearest villages and the Conservation Areas and the impact on the landscape

The letter of support states;

- that the application is supported as it is for renewable energy in the community and is a measure to step up diminishing farming incomes.

Comments have also been received from Cllr Higgins as the neighbouring ward Councillor. He states that after considering the SOS decision both wind turbine cases at Thorpe Satchville and paying consideration to the WMS it is clear that the application must be refused. Cllr Higgins would like to add that a number of Ward residents have expressed their concern to the application and does not feel that this have been addressed. Cllr Higgins is strongly objecting to this application on behalf of the residents' concerns.

Finally the agent and applicant have confirmed that they are unable to attend the

meeting this evening and whilst respectful of the officers recommendation they would like the following points noted;

- Pasture View Farm is a sheep farming business and due to the current climate within the farming industry the applicants believe that their farming business is unsustainable and they need to diversify in order to secure a future for the farm
- They appreciate that there has been a large amount of objection but there has also been support for the turbine as well
- The number of existing turbines in the area would suggest that this site is suitable for a medium scale turbine
- The application is for a temporary structure lasting a maximum of 25 years
- Reference to recent appeal where it was stated that to refuse a development on the lack of public support would be contrary to section 38(6) and the NPPF
- The Local Authority should apply a fair and balanced view with regards to the judgement of what constitutes community support and the validity of public objections
- It is common for public objection to cite reasons for refusal despite clear evidence located within the supporting technical assessments that such issues have been addressed.
- Strongly believe that this proposal is acceptable in planning policy terms and urge that the application is granted.

These comments also included a statement from the applicants stating that they have farmed in the area all of their lives and the sheep farm is home to 1600 sheep. Consider that if they don't change how they operate they cannot maintain the farm for much longer. Due to meat prices falling and the vulnerable farming market, rising running costs and rising cost of feed it is harder to sustain a business. The turbine will mean that they can become self-sufficient and generate their own electricity saving their annual bill and allow investment. Income from exporting surplus electricity will mean that they can cope with increases in prices of feed or the fall in market price of sheep. Supporters of renewable energy and believe that have a duty to secure own energy supply for future generations.

In response to this the additional comments on the whole have already been addressed within the report. Considerable reference has been made to the WMS and that the proposal does not have the backing of the local community(updated maps following publication of the report were handed out and displayed on screen). Coupled with this is the recent appeal decision made by the SoS on the Hall Farm and Park Farm turbines at Thorpe Satchville. Both of the applications at Thorpe Satchville have been refused by the SOS on the grounds, amongst other reasons, of the extent of public opposition. The SOS identified harm from the effect of the turbine on the character and appearance of the countryside as well as the identified cumulative visual harm with other turbines in the vicinity. The SOS in applying the WMS was not satisfied that the planning impacts identified by affected local communities have been addressed and considered

that there had been extensive involvement of the local population particularly on harm to landscape and visual which has not been considered to be addressed.

Therefore, the main issue raised is whether the impacts identified by affected communities have been addressed. Consideration needs to be given to the nature of the objections and the most directly affected community. (Refer to maps.) Based on the information presented to members the application is not considered to have the backing of the locally affected community and on this basis is recommended for refusal.

(c) Tony Brockhurst, on behalf of the objectors, was invited to speak and stated that:

- He lives within 300 metres of development.
- He is speaking on behalf of numerous local residents who are opposed to the application.
- Over 100 local residents have objected and the opposition is overwhelming.
- The properties which are most affected are within 1km and there is no support at all.
- Planning guidance should be followed unless there are reasons not to. There is no grey area.
- Substantial opposition which has not been overcome. Doesn't have the backing of the local community.
- The site is not identified as suitable for wind energy development within the local plan.
- The turbine is 25% larger than Hall Farm and much larger than any other turbine within a 5km radius.
- Introduce a whole new scale of turbine into the landscape.
- Adverse effect on the landscape and character.

Cllr Simpson commented that she was disappointed that on page 7 of the report it states no inter-visibility of the operational turbines from the application site however those using footpaths and local lanes may potentially see the different developments as a succession of views. On the site visit Cllr Simpson could see the Frisby Grange and Eye Kettleby turbines. Development should preserve and enhance the area. The effects of the developments on the closest residents living conditions and outlook and amenity would present an element of harm. The development would result in considerable harm to the character of landscape such as to make it incompatible with its rural location, contrary to policy C2. The harm identified arises from the scale siting and rotating blades of the turbine on the character and appearance of the open countryside, as well as the cumulative visual harm with the other turbines in the immediate vicinity. The visual interaction of the three turbines would become substantially harmful due to the close proximity of the turbines in the landscape,, and their disparate scale and speeds of rotation, experienced both close to the sites and in views where they are seen near together. Frisby Grange turbine can be seen clearly, as can Eye Kettleby and Wanlip in different directions. It's not allocated in the

local plan or a neighbourhood plan. The residents are not in approval. **Cllr Simpson proposed to refuse** the application on the grounds stated.

Cllr Holmes seconded the proposal as per the recommendation of the officers. She added that applicants should perhaps apply for two smaller turbines.

Cllr Simpson added that the reasons she would like to refuse on are the effect on the character of the landscape and the inter visibility with the existing turbines already in the immediate vicinity, in addition to those in the report

The Applications and Advice Manager asked for clarification on the number of reasons for refusal.

Cllr Simpson confirmed that she would like them noting as three separate reasons for refusal. The benefits of the proposal don't outweigh the identified harm.

The Chair asked the seconder if they were also happy with the reasons for refusal.

Cllr Holmes confirmed she was.

Cllr Chandler proposed an amendment to Cllr Simpson's proposal as the officers advised reason for refusal is sufficient and sound enough should it go to an Inspector.

Cllr Wyatt seconded Cllr Chandlers proposal.

A vote was taken on the proposed amendment to revert to the officers recommended reason for refusal. 6 Members voted for the amendment and 4 votes against. 1 Member abstained.

A vote was taken on the amended proposal to refuse the application. 9 Members voted to refuse and 1 voted against. 1 Member abstained.

DETERMINATION: REFUSE, for the reasons stated in the report:

The Local Planning Authority is not satisfied that the planning impacts identified by the affected communities have been addressed and therefore the proposal does not have their backing. The application is not within an area identified as suitable for wind energy development within a Local or Neighbourhood Plan, and following consultation does not have the backing of the locally affected community. The proposal is therefore contrary to the Written Ministerial Statement dated 18th June 2015.

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- (3) **Reference:** 14/00995/OUT
 Applicant: Westleigh Partnerships Ltd
 Location: Land West Of Bowling Green, Leicester Road, Melton Mowbray

Proposal: Residential development comprising the construction of around 54 dwellings and circa 1360sqm (GEA) of B1 (a) Office space together with associated infrastructure, car parking provision, open space, landscaping and sustainable drainage

(a) The Head of Regulatory Services stated that the application was being represented to the Committee following its deferremtn in August to investigate further the odour issues. These have now taken place under the direct supervision of our Environmental Health (EH) team and the results are conveyed in the report on page 12. They conclude that the houses would not be located where they would be exposed to unacceptable levels of odour, based on sampels taken and modelling to take into account wind conditions. EH have a reservation because the source of the odour is already a cause for complaint from houses to the north (whilst this site is to the east) but accept that the investigations have not produced evidence indicating that the development should be refused, nor that such a decision could be substantiated.

(b) Graham Price, agent for the applicant, was invited to speak and stated that:

- This is a mixed use application which will provide approximately 54 dwellings but will also provide circa 1360 square metres of office space.
- The application was only previously deferred due to odour to allow further information to be provided.
- There has been additional detailed work regarding odour conditions and a full assessment was carried out, where odour samples were taken from the odour sources in the area and calculating the dispersal distances including prevailing wind conditions.
- The revised assessment was carried out under the supervision of the Councils Environmental Health Team.
- Results showed that odour was well within the acceptable limits and in the most part odour was undetectable.
- There is no evidence to suggest that odour would be unacceptable.
- It is in a highly sustainable location.
- Letter of support from the bowls club and no objections from consultees.
- It would meet an identified housing provision shortfall and would provide 40% affordable housing.
- It would improve employment opportunities for the town.
- It is development plan compliant.
- It is a locally based developer.
- There are no issues of deliverability with this scheme.

Cllr Holmes asked if odours from elsewhere has been considered such as the sandwich factory.

Mr Price confirmed that the report was considering just that.

The Head of Regulatory Services displayed an odour map and explained the shapes and depth of colours. Prevailing winds and the changeability of wind is why there are not perfectly concentric. There has been a new and unrelated single complaint about odour from the industrial nearby. We believe at this stage that it is to do with a newly formed waste transfer station there. It is one complaint from one household and is not to do with this application.

Cllr Posnett commented that she was aware that the Environment Agency no objections regarding flooding however she couldn't see any conditions in the report regarding a suitable urban drainage scheme.

The Head of Regulatory Services confirmed it is condition 9.

Cllr Botterill commented that he couldn't support it and that previously the land was destined to be used as a recreation area due to it being one of the worst flood plains in the Melton. Although there has not been a substantial flood since the dam has been in place we don't know what the outcome will be in future.

Cllr Chandler commented that if an application requires 24 conditions to back up a permit then it is not fit for purpose. In 2007 we had an application for change of use from recreation to B1 industrial/office/commercial use. It still has the potential there and should be retained for these purposes. It was included in the core strategy. I have not seen evidence that it has been promoted as this type of use. Although a proportion of it will be retained as B1, 54 houses are going to take up a lot of land. The application should be refused until there is clear evidence that it has been marketed appropriately. **Cllr Chandler proposed refusal** on the grounds of noise as it is very close to 607 and the loss of B1 land which could be used in the local plan.

Cllr Botterill seconded the proposal and added that they would be building on an underground lake.

The Chair raised his concerns regarding obnoxious odours when driving in to Melton on Leicester Road.

Cllr Cumbers commented that the odour may be coming from the ready meal factory. She added that she had been Ward Councillor for that area for about 18 years and that about 20 years ago there was a sewage smell however she never received a complaint about that smell or any other odours. There was one complaint received a few years ago about odour but that turned out to be coming from Asfordby. She raised concerns about the section 106 and felt it extortionate for 54 houses and difficult to justify. Developers shouldn't have to upkeep the amenity land in perpetuity. The dwellings will be supplying money in taxation from day one.

Cllr Chandler noted that she was not at the August committee meeting.

Cllr Wyatt commented that he remembered the County Council giving £370,000 to schemes around that area to alleviate the flood risk. There are plans for a pumping station to be built on the site. This was agreed about 4 years ago and the funding was allocated.

Cllr Posnett commented that her concerns were regarding the sustainable urban drainage.

Cllr Wyatt commented that he drives past that area quite often and in the past 5 years there hasn't been a problem regarding odour or flooding. There is a flood alleviation scheme in place and it is working. No reason to believe flooding will be a problem.

Cllr Glancy commented that there is an aroma around that area. She has concerns regarding flooding in the long term and also has concerns with putting houses so close to industrial areas. The local plan is trying to get this right. Cllr Glancy added that she couldn't support the application.

Cllr Simpson commented that she supported refusal and had concerns regarding the noise and odour. She commented that the odour report is a guestimate based on wind values elsewhere. The sewage farm is 200 metres away. This hasn't had an independent report done. There is clear evidence that there are smells. The Environment Agency state operations emitting odours should be at least 400 metres away. Some of the houses are recommended as per the report to have a unit bringing air in as the windows need to be kept closed. These are expensive so there are concerns how the residents in affordable housing will be able to afford the units. Cllr Simpson also raised concerns regarding the high fenced enclosure around the development.

Cllr Holmes raised concerns as Melton needs small commercial units and she had not seen them being advertised. She also had concerns regarding the area being a known flood plain. Would like to see the Commercial units being marketed properly.

The Head of Regulatory Services responded that the public open space is more vulnerable to flooding and this had been dealt with on a separate application. On page 22 of the report there has been a lot of research on the town and the demand is not the same as it was when first granted for business use. On page 25, condition 24, the case regarding noise is not proven. Cllr Chandler was correct to identify this and we do need more information however we hoping to overcome this with a condition. Regarding the loss of the allocation, the NPPF states that we shouldn't protect sites in the long term if there is no reasonable prospect of it coming forward. Members need to judge if 7 years constitutes 'a reasonable prospect' or not.

Cllr Chandler summarised her key points for refusal as noise and the lack of

evidence of marketing of the employment land. As part of the local plan we have got to provide additional employment land. It is for B1 use currently and should remain that for part of the growth plan. It would be a shame to allow it and then we need it for industrial use. Industry and commerce should be kept in one block.

Cllr Cumbers commented that the industrial site is on the other side of the road. The laundry there has not been flooded but it is a factory not housing.

Cllr Holmes commented that the laundry has been flooded before.

The Head of Regulatory reminded Members that houses have previously been approved in this location and parts of the site will have houses adjacent .

He summarised the reasons for refusal as

- the applicant has failed to demonstrate that the dwellings would experience a satisfactory noise environment contrary to paragraph 123 of the NPPF and associated noise policy.
- the applicant as failed to supply evidence that there is no reasonable prospect of the site being used for employment purposes.

Cllr Chandler commented that odour couldn't be brought it to it as there is no evidence regarding this.

A vote was taken. 9 Members voted to refuse permission and 2 Members voted against refusal.

DETERMINATION: Refuse, for the following reasons:

1. The applicant has failed to demonstrate that the proposed dwelling would experience a satisfactory noise environment and as such it would be contrary to para. 123 of the NPPF ("avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development") and the associated Noise Policy Statement for England.

2. The applicant has failed to produce evidence that there is no reasonable prospect of the site being used for employment purposes. As such the proposal is contrary to the guidance provided in para. 22 of the NPPF.

(4)	Reference:	15/00696/FUL
	Applicant:	Mr A Girvan - Campbell Buchanan
	Location:	Land Between 12 And 23, Old Manor Gardens, Wymondham
	Proposal:	Construction of a two storey dwelling with associated works.

(a) The Head of Regulatory Services stated that: Update. 2 additional objections:

- Local people are mean to have a say on local development and they strongly oppose this proposal.
- It is a valuable green space in the village that should be retained

(b) Victoria Bailey, on behalf of the objectors, was invited to speak and stated that:

- The paddock and communal green area are a key design feature in Wymondham.
- The gardens provide a much admired setting for St Peters church, a grade I listed building.
- Give a rural character to the development which is Old Manor Gardens and provide an amenity for its residents to enjoy.
- Residents live in villages because they value the countryside and want easy access to it.
- Village greens, paddocks and meadows bring relief to dense housing and distinguish a village from the urban environment seen in towns and cities.
- There is an awkward change to the building line which will detract from the setting and change the overall appearance of Old Manor Gardens.
- The proposed repositioning of fence line doesn't have any purpose.
- Depriving children of a safe play area.
- Depriving of residents of an amenity which they have been paying a service charge for.
- Create an eyesore, out of character with the surrounding area.
- The area is steeped in history and is in the Wymondham Heritage Trail leaflet to promote the village.
- Should be seen as an asset to be protected.
- Nothing has changed since the last dismissal of the application appeal.

Cllr Cumbers enquired regarding the service charge and whom it was paid to.

Mrs Bailey confirmed they had been paying it to Campbell Buchannan however the company had now been taken over.

Cllr Cumbers asked it was in the deeds that they must make the payments.

Mrs Bailey confirmed that it was.

Cllr Glancy asked what the service charge was for.

Mrs Bailey responded that they were for the upkeep and maintenance of the open space in Old Manor Gardens.

Cllr Chandler commented that Cllr Graham endorses the recommendation and the reasons for refusal.

The Head of Regulatory Services commented that when the consent was implemented the open space were to be maintained as parkland. The Management plan comprises of a service charge and a management company is the means to maintain them. There are two issues that arise from that: 1. It is open space and any change of use from open space would need planning permission. 2. There is an emerging management issue that needs to be chased up.

Cllr Cumbers commented that the fact the owner has split the land in to two is not a concern for the Planning Committee.

The Head of Regulatory Services confirmed that the permission goes with the land not theowner.

Cllr Baguley proposed to refuse the application as per the officer's recommendation. There is not a safe area for children for play.

Cllr Cumbers seconded the proposal. Part of consideration was the open land and once it has gone people often want it back.

Cllr Chandler noted that she is consistent because she has refused these type of applications previously.

Cllr Faulkner asked if the fence should be there at all or is the whole thing open space.

The Head of Regulator Services confirmed that they have exemptions from planning permission based on the height of the fence.

Cllr Botterill commented that the fence looks out of place and that it should go. People are funding the space.

The Head of Regulatory Services confirmed that a fence height of a metre is acceptable because of permitted development.

Cllr Simpson asked if the percentage of land that is left as green space is enough.

The Head of Regulatory Services confirmed that there is more than is necessary which is 5% for a development of this size.

Cllr Cumbers raised concerns that a fence has gone up as it should be open land.

A vote was taken and the Members votes unanimously to refuse the application.

DETERMINATION: Refused, for the following reason;
In the opinion of the Local Planning Authority the development within the open area of land would not preserve or enhance the character and appearance of the Conservation Area and would also detract from the setting and views of the adjacent grade I listed church. Accordingly the proposal is contrary to Policies OS1 and BE1 of the adopted Melton Local Plan and the NPPF, in particular paragraph 132, 134 and 137.

D53. PERFORMANCE REPORT

The Applications and Advice Manager noted the improvement in performance and excellent appeal record.

D54. URGENT BUSINESS

Cllr Cumbers congratulated The Applications and Advice Manager on the Wymondham award.

The meeting commenced at 6.00 pm and closed at 7.47pm