



EXTRAORDINARY MEETING OF THE COUNCIL
OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

1 SEPTEMBER 2016

PRESENT

Councillor D.R. Wright (Mayor)
P.M. Baguley, T.S. Bains, M. Blase,
G.E. Botterill, P.M. Chandler, P. Cumbers, R. de Burle,
J. M. Douglas, M. Glancy, T. Greenow, L. Higgins,
E. Hutchison, J. Illingworth, S. Lumley, V. Manderson,
J.T. Orson, A. Pearson, P.M. Posnett,
J.B. Rhodes, J. Simpson, J. Wyatt

Chief Executive
Strategic Director (KA),
Head of Communications & Monitoring Officer,
Head of Regulatory Services, Regulatory Services Manager
Senior Democracy Officer

CO33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beaken, Culley, Graham MBE, Holmes and Sheldon. Councillor Hurrell was also not present.

CO34. DECLARATIONS OF INTEREST

Councillors Pearson, Posnett, and Rhodes each declared a personal interest in any matters relating to the Leicestershire County Council due to their roles as County Councillors.

Councillor Botterill declared a disclosable pecuniary interest in agenda item 3A, Appendix B, as he was a tenant of the Belvoir Estate at Croxton Kerrial.

Councillor Orson declared a disclosable pecuniary interest on each of the agenda items, 3A, 3B and 3C as a land owner within the Borough and indicated he would leave the meeting before consideration of the items on the Melton Local Plan commenced.

[Councillor Orson here left the meeting.]

A: CONSIDERATION OF CONSULTATION RESPONSES ON MELTON LOCAL PLAN (EMERGING OPTIONS) – ‘SETTLEMENT HIERARCHY’

Members had before them a report prepared by the Head of Regulatory Services (copies of which had previously been circulated to Members) which set out the results of the updated and amended approach to the settlement roles and relationships for the Borough following the issues raised through the consultation and engagement on the Emerging Options (Draft Plan).

The Chairman of the Melton Local Plan Working Group, Councillor Chandler, made the following points before she moved the recommendations on the Order Paper relating to agenda item 3A :

- re-emphasised that the plan was a growth plan covering the whole of the Borough for the next 20 years, and it was not just a plan covering housing growth;
- thanked the 500 or more who responded to the consultation papers circulated in January and advised that the responses were both thorough and informative;
- thanked the Planning Policy Team who had analysed the responses which she considered was no small task;
- appreciated that there were justifiable concerns relating to the number of homes proposed in the villages but it had to be remembered that the Inspector when throwing out the Core Strategy, commented that 20 percent of future housing development in the villages was insufficient and this was where the current 65 – 35 per cent split between town and rural originated;
- stated that the village distribution was the subject that prompted the biggest reaction to the consultation document. Through the Reference Groups, the Council had promised to review its approach that this had been done. The new definition of settlements followed a methodology informed by those reference groups. It was base don't her presence of key services that those groups identified as essential components or facilities towards sustainability, rather than simply assessing the rate of services present. These were primary school, community facility, broadband to facility home working and local employment opportunities;
- stated the other key feature was that distribution of houses was based on the size of the settlement. This had an inherent fairness and served to regulate the allocations in a consistent proportion for all villages. However a number of factors may prevent this being followed in a precise way and this was explained at paragraph 3.7.7 of the report. The application of this approach to individual sites would be the subject of a report at the next meeting. She hoped that by then the Council would have the HEDNA (Housing Economic Development Needs Assessment) as currently they were working on an estimated figure for housing growth, but she was assured that the figure would not be less than the 6125 or so that was currently being planned for over the 2011-26 period;
- referred to concerns relating to primary school places in at least four of the village schools and that the Council was fully aware that one of the schools currently had little or no spare capacity. She pointed out that housing development was over a 20 year period and the Local Education Authority was a statutory consultee in the planning process and should concerns be raised over numbers in any of the local schools, this was a material consideration in

planning terms and a ground for refusing an application. Many primary schoolchildren who lived within the Borough already travelled to schools in other villages due to their own local schools being closed over the years and due to parental choice mainly to give children the chance of a wider curriculum. She added that her village school had closed in 1959 and the village now had the third generation of children being transported to Bottesford. She referred to houses still selling well in the area and the lack of a school did not appear to feature too highly with buyers.

Councillor Chandler moved the recommendations as set out in the Order Paper at agenda item 3A.

The Chairman of the Planning Committee, Councillor Illingworth, seconded the motion and reserved his right to speak.

The Mayor pointed out that the paragraph references at recommendation (3) had been amended in line with the report and paragraphs 3.19–3.20, now read paragraphs 3.7.4 and 3.7.5 as shown in the Order Paper.

The Chief Executive explained that to assist the debate a separate vote would be taken on recommendation (3) on the Order Paper including the new paragraph numbering advised by the Mayor and the Mayor had indicated his approval to this approach. This would allow Councillor Botterill to remain in the meeting, take part and vote on the other recommendations. She further advised that should the debate touch on settlement hierarchies, it would be recommended that Councillor Botterill leave the meeting.

A Member spoke in support of the report and made the following points :-

- referred to the background of how the Council had reached the decisions at this meeting on the Melton Local Plan and the resources and timetables involved in developing options for the local plan;
- a key decision was taken by Full Council in July 2015 relating to large sites options and 11 alternative options were considered. Several large rural settlement developments including airfields were considered and it was agreed that these were too remote and would result in dependency on private cars to access employment and essential services and facilities. From this it had been decided to proceed with the local plan on the basis of sustainable neighbourhoods in the town and a dispersed model of the balance shared across main villages. The local plan was developed on these lines and consulted upon at emerging options stage from January to April 2016;
- a change of direction to this or any new approach would impact severely and it would mean that significant proportions of the plan would have to be rewritten to reflect such a change in approach, this would need further consultation, a repeat of emerging options and evaluation of the results. During this process, it would be anticipated that other sites would come forward increasing the magnitude and complexity of the exercise;
- any delay at this stage would mean that the Council would not meet the Government's March deadline for the submission and there would be implications on the new homes bonus. If the Government's deadline was not met there could be intervention which could involve the Government taking over the Council's Planning department and the Council being categorised as failing and the Council could also be at risk of losing the new homes bonus of up to

£1m, a sum which contributes to the Council's funds. This would mean all the local plan work previously completed as well as all the other good work that the Council had won awards for would be undone and it would look like the Council as a whole was failing;

- should this happen, it would be necessary to revisit and refresh work already carried out. Detailed work commissioned to date had followed the direction set out in emerging options and this would be considered obsolete, wholly or in part, for example this would include the sustainability appraisal, the landscape sensitivity studies which concentrated on settlement fringe, Melton and other villages anticipating potential development, the viability studies, the biodiversity study and the landscape study;
- the Council needed a 5 year housing supply and deliverability. The large sites were unlikely to result in any significant contribution within the first 5 years. In common with the sustainable urban extensions there would need to be a complete array of infrastructure provision requiring detailed, co-ordinated and phasing considerations and from a standing point at August 2016 it was difficult to envisage any houses being delivered within the 5 year period or at best very few. This would give significant implications for the plan. The plan would almost certainly be found to be unsound at examination. The absence of a plan would perpetuate the current situation of unplanned, sub-optimum developments coming forward and being considered as sustainable developments under the NPPF. The current and recent experience of dealing with such applications, for example on the edge of villages and Melton Mowbray, would persist until the 5 year supply was achieved and or the sustainable urban extensions alternative major sites took effect;
- the Council had signed a duty to co-operate and two of the larger sites in Normanton and Six Hills were immediately adjacent to the boundaries shared with other local plan areas and a sizeable new settlement would impact on infrastructure and environmental issues on both sides of the border;
- one of the key tests of soundness at examination was the duty to co-operate and it would be unwise to submit without securing an agreed position. This could be difficult to obtain and could be time-consuming so in addition to the implications for soundness, it could also impact on the anticipated timetable;
- the new settlement option would be in competition with sustainable neighbourhoods and may appear more attractive to some purchasers. Whilst this may assist the new development over time it could be at the expense of the sustainable neighbourhoods and in turn undermine or slow the pace of the development and the associated infrastructure provision such as schools and highway infrastructure;
- the Council's Planning Officers were working very closely with the County's officers, particularly on school issues as many of the villages in Leicestershire had a local school and Councils like Melton that were going through the local plan process were having similar issues with the impact of development on small village schools.

Concern was expressed by a Councillor regarding school places in villages and they considered that if a school did not have enough places then development should not be approved. The Councillor advised that there were sufficient places in the town's schools but this was not always the case in the villages and particularly in Long Clawson where development had been identified. The Councillor advised that it was not feasible to extend Long Clawson school and they referred to the criteria needed to form a rural hub and felt that Long Clawson did not meet this as

there were no school places available. Therefore the Councillor asked that Long Clawson be removed from the plan at the meeting. The Councillor stated that the Working Group had previously advised that development would be postponed until school places were available and felt this must be made clear to the public and therefore the Councillor could not support the paper until this matter was resolved.

Several Councillors spoke in support of the recommendations and that the plan could not be delayed due to the issue raised around school places. They felt that due to parental choice between town and rural schools, the threat of closure to some village schools as a result of lack of growth as well as the private education provision and the fact that houses would not be built immediately, the position was changing all the time and Councillors must look at the bigger picture. Therefore there was agreement amongst these Councillors to continue with the recommendations put forward.

Councillor Glancy proposed a slight amendment to the report at paragraph 3.9.1 and stated that the word 'infrastructure' had been included in the debate at the Working Group but was not included in the report and the following sentence should read as follows with the word inserted in italics at paragraph 3.9.1 :-

'Potential alternative or long term options that will be explored to examine their suitability, availability, *infrastructure* and deliverability include :.....'

Councillors Chandler and Illingworth accepted the amendment to the motion.

There was concern from a Member that making housing allocation to identified service centres and rural hubs only may not provide opportunity for other villages to meet their housing needs as other villages were accommodated by an allowance for limited growth (sites of 3 or 5) but these allowed only limited scope for growth and to correct past imbalances. The Council had successfully achieved, for those applications that were greater than 10 houses, the ability to secure funding for local amenities and delivery of the right housing mix with a proportion tailored to those trying to get on the housing ladder or wanting to stay in the community they grew up in. If there were multiple applications of 5 houses or fewer these did not fall into the remit of a s106 to secure funding for local amenities but the village would get the same amount of growth yet what was delivered would be out of reach for young families were a vital part of the rural community. In the south of the Borough there were several villages with declining and aging populations and a housing supply which leant towards large house types. This had meant that younger families were excluded and the long term effect had been to reduce these villages' sustainability which had resulted in underuse and decline of facilities. This was all supported by the recent Housing Needs Study and there were supportive comments in the original consultation. Whilst policy SS3 allowed some growth, it made no allowance for particular deficiencies in specific locations apart from where Planning Law allowed the Council to permit a 'special case' if the justification was sufficient, however it was felt there was a growing case for more proactive intervention where there was a quantifiable problem. This would give the Planning Committee greater influence to guide development to meet the need while refusing those applications that exacerbate the demographic time-bomb that faced some of the Borough's communities. The Member did not oppose the current content of SS3 nor the approach to housing distribution set out in the report but felt it could be improved to accommodate the identified housing mix and need at later stages and welcomed Members thoughts on how this could be addressed over the coming months.

The Mayor asked whether there were any comments on the appendices.

A Councillor drew Members' attention to a comment on Appendix A6, page 10 from a representative of Wilson Enterprise Limited. The comment related to an interest in Dalby Airfield and a request for the policy to be amended to identify it as a reserve site. The Councillor referred to the earlier comments and warnings as to delaying the plan and should the Council delay, there would be pressure to bring forward the issue of reserved sites.

It was noted that alternative sites had not been discussed by the Working Group and therefore a Member felt there should be no assertions made as to these at the meeting. The Councillor considered responses were clear that these were not the preferred options and it was not appropriate to discuss these at the meeting.

The first Councillor who raised this issue agreed that reserved sites were not the subject of discussion at this meeting and the site mentioned was not a preferred option but saw it as a risk should the Council delay on the plan that matters such as this may be raised.

Councillor Chandler responded that no decision had been taken on reserve sites and these may be brought forward should there be a shortfall of affordable housing that had to be in the villages where the Housing Needs Study had identified there was a shortage. There were acute shortages to the north of Melton (the Vale), east of Melton and south of Melton. She added that this type of housing had to be distributed in villages and other areas and advised that people wanted to stay in the villages where they had local connections and it was a reassuring way of living to have younger families around older relatives as this brought benefits to both generations.

As seconder of the substantive motion, Councillor Illingworth referred to the risk involved in the plan process and to managing the risk. He advised that people in villages were alarmed by the number of applications coming forward and until a plan was in place there was concern by residents in the town and villages. He advised that the Local Education Authority was a consultee on planning applications and weight could be given to their response and he urged Members to trust the Planning Committee when determining applications. He stated that there were sufficient mechanisms and safeguards to allow the Planning Committee to refuse applications should there be a problem with the comments received and also the Committee could opt to phase development accordingly. He mentioned that there was 20 years on the plan and it would be years before some of the development was built. He urged Councillors to serve and support the whole Borough and make decisions in the interest of everybody in the Borough and put aside any inconvenience as individual Members. He referred to looking at the bigger picture rather than focusing on individual issues.

On recommendations (1), (2), and (4) as well as the additional recommendation relating to the word 'infrastructure' inserted in the report at paragraph 3.9.1 being put to the vote, the motion was carried.

[Councillor Botterill left the meeting before the vote on recommendation (3) due to his disclosable pecuniary interest as a tenant of the Belvoir Estate at Croxton Kerrial.]

The Mayor asked whether there were any comments with respect to recommendation (3). There were no comments or matters raised.

On recommendation (3) including the revised paragraph references, being put to the vote, the motion was carried.

RESOLVED to

- (1) approve the methodology and resulting 'settlement hierarchy' to inform the spatial distribution of development across the Borough as set out in the report, and directs that the Local plan is prepared on the basis;
- (2) direct that the Local plan is prepared on the basis of 15% (322) of the number of dwellings to be provided outside of Melton Mowbray as an allowance for 'windfall sites', and that the remaining dwelling provision (1822) is dealt with through allocated sites;
- (3) approve the proportionate approach to sharing development out depending on settlement size (paragraphs 3.7.4 and 3.7.5 of the report);
- (4) grant delegated authority to the Head of Regulatory Services to make any necessary changes required for clarification or where updated evidence is provided on facilities, services or constraints that may amend the resulting hierarchy prior to the Local Plan being presented;
- (5) the word 'infrastructure' be included at paragraph 3.9.1 of the report and the following sentence read as follows with the inserted word in italics :-

...'Potential alternative or long term options that will be explored to examine their suitability, availability, *infrastructure* and deliverability include :.....'

[Councillor Botterill here re-entered the meeting.]

B: LOCAL PLAN EVIDENCE – MELTON BOROUGH HOUSING NEEDS STUDY

Members had before them a report prepared by the Head of Regulatory Services (copies of which had previously been circulated to Members) which presented the recently commissioned Housing Needs Study for the Borough. The study provided an informed analysis of the housing needs of the Borough at a detailed ward level.

The Chairman of the Melton Local Plan Working Group, Councillor Chandler, made the following points before she moved the recommendations on the Order Paper relating to agenda item 3B :

- the report conveyed the findings of the Housing Needs Study and provided important data regarding housing mix and affordable provisions which could be incorporated into policy in the new plan;

- the report recommended that the Council increase the affordable provision to 40 per cent but made the important point that this would be influenced by viability considerations. Importantly, it identified what proportion of affordable could be starter homes (20 per cent) which was a new factor in this debate and also impacted on viability. On these aspects a further report would come forward when the viability work was completed;
- the study recommended that exception sites should include an element of market housing where they were needed to subsidise provision, and this was consistent with suggestions in the NPPF;
- the study also focussed on the need to make clear provision for self build sites, to avoid the prospect of them being unattractive and transferring into the mainstream sector undermining the Council's efforts to accommodate these more specialist aspects;
- the study recommended abandoning the national space standards. However when the Working Group considered the report and its recommendations, there was concern that the Council would be lowering standards and concluded that the standards still had a role, but should not be policy requirement because of the impact they may have had on deliverability. It was therefore proposed that they were included as aspirational targets, rather than requirements;
- she recommended the findings of the study in the terms set out in the report with a view to making inroads into the under-supply of housing in various categories. Housing mix was a policy of the NPPF and the information contained in the study could be used immediately in discussion on current planning applications.

Councillor Chandler moved the 3 recommendations as set out in the Order Paper at 3B.

The Chairman of the Planning Committee, Councillor Illingworth, seconded the motion and reserved his right to speak.

Several Members supported the motion and reference was made to starter homes being included within the term affording housing and evidence showed that starter homes were needed as part of this allocation and this was a good thing. Members were supportive to ensure that room sizes met the standard requirements as some homes built today were too small for families.

A Councillor urged the public and Parish Councils to download the Housing Needs Study as it was worth reading and gave a good insight to the locality. The document supported the need for 2 and 3 bedroom properties and would help the Planning Committee in shaping future development to suit local needs and ensure sustainability.

Councillor Illingworth as the seconder stated that he had nothing to add to the debate.

Councillor Chandler closed the debate and commended the recommendations as set out in the Order Paper. She added that the Housing Needs Survey was the most interesting piece of work and it highlighted the need for low cost homes of 2 and 3 bedrooms.

On being put to the vote, the motion was carried.

RESOLVED that

- (1) the content of the study is accepted as part of the evidence base to inform the preparation of the Melton Local Plan.
- (2) the study is recognised as a material consideration in determining planning applications for relevant development;
- (3) the Melton Local plan is prepared on the basis of the policy direction provided by the Working Group, as set out at paragraph 3.5.1 of the report.

C: REVIEW OF MELTON LOCAL PLAN POLICY EN10 – RENEWABLE ENERGY (WIND)

Members had before them a report prepared by the Head of Regulatory Services (copies of which had previously been circulated to Members) which set out the results of further consideration of the Melton Local Plan Working Group given to Policy EN10 of the Local Plan, in respect of Wind Energy.

The Chairman of the Melton Local Plan Working Group, Councillor Chandler, made the following points before she moved the recommendations on the Order Paper relating to agenda item 3C :

- this item had been referred back to the Working Group to apply more consideration to the representations received. There was particular concern regarding the identification of named locations in the plan and that this would present an open door for applications of this nature;
- whilst there was nothing saying the Local Plan must have such a policy, the Working Group considered it should have one in order to both follow NPPG guidance, but more importantly to provide the best form of control for the Borough;
- the NPPG was quite clear about the desirability of such a policy in order to discharge its responsibilities to encourage renewable energy whilst applying the appropriate environmental controls. It went on to explain how one might be developed with reference to landscape character assessments and this had been the path followed;
- the Government introduced new controls into national guidance in 2015, saying that turbines could only be approved if they had the backing of the affected community. This was perhaps the best tool at the Council's disposal if the Council was to resist turbines where they were unwelcome;
- however, it could not be applied until a policy to allocate suitable areas for wind energy was in place. The policy did exactly that and was based on sound evidence and was quite sophisticated in terms of explaining what scale and grouping of turbines could be accommodated in principle across the Borough;
- none of this 'opened the floodgates' in the ways concerns had been expressed. Applications would still be assessed on a site specific basis and landscape was only one consideration. All the other factors would apply just as they always had but with this policy in place, the Council would also be able to apply the 'public backing' test as well;
- for the above reasons, the Working Group considered the policy needs to take the form that it had and recommended its inclusion in the Local Plan. It did

however propose clarification regarding heights, and recommended these were presented as maximum heights (rather than 'acceptable height'), to avoid any misunderstanding that heights listed would be automatically accepted. The proposed amended policy was included as Appendix B with this change shown.

Councillor Chandler moved the 2 recommendations as set out in the Order Paper at 3C.

The Chairman of the Planning Committee, Councillor Illingworth, seconded the motion and reserved his right to speak.

A Member referred to a letter from the Minister of State for Housing and Planning and Minister for London, Gavin Barwell MP regarding the inclusion of these areas in the local plan. It was mentioned that the Government was not looking to deploy further onshore wind turbines at the moment. The letter stated that the local authorities did not need to identify suitable areas for wind energy development. The Member questioned whether the Council was allocating these sites as suitable or just showing them as an area on the map and if allocating the sites, it needed to be a little more than what was already in the Landscape Study. The NPPF did not include a requirement to identify suitable areas for wind energy development but local planning authorities should consider identifying renewable and low carbon energy sources where this would help to secure the development and this was not just wind turbines but all types of renewable energy. The Member could not understand why the LCUs had to be copied into the policy as it was a small snapshot of part of a study which was already in the local plan evidence base. The case was that if it was sound not to have a policy for wind turbines in the plan, and there was no support from the local population at the first consultation the study was subject to, then why put them in. As the Government was not deploying further onshore wind turbines due to the cost of the subsidies on existing onshore wind turbines with planning consent and public opinion. Subsidies were withdrawn in April this year. The bullet point in EN10 that was withdrawn had now been reinstated and that according to the report was one of the most important parts of the policy and in that case why was it withdrawn on the basis of one respondent's view in the consultation. It had now been put back in and the Councillor had had to insist that it was taken back to the Working Group to be reinstated.

A Councillor congratulated the previous Councillor on the reinstatement of the bullet point along with Working Group's clarity on turbine heights. The Councillor advised that the best way to engage change on wind turbines was through Elected Members including the MP and the Councillor had had personal experience in their own ward. It had been noted that the Government understood the level of public opinion on wind turbines hence the ministerial statement. The Member asked whether any onshore wind turbines been approved in the last 2 years and whether the policy gave a better defence against wind turbines than making no reference to them which could open up the whole Borough.

The Head of Regulatory Services responded that he couldn't recall from memory that there had been any wind turbine approvals in the last 2 years. With regard to the desirability of having a policy, this was addressed in the report in the final part of paragraph 3.6.3 which stated :

'In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan'

The Head of Regulatory Services explained that this meant that if the Council approved this policy they could you use the Secretary of State's new provisions set out in the ministerial statement, one of which was to receive the backing of the local population. He considered this was the most powerful weapon to resist applications for wind turbines and should the Council not take up the circumstances to create this provision by having this policy, then it could be relinquishing its most powerful weapon. He did not believe that the policy opened up the Council to more wind power applications as the policy set a tone and did not weaken the Council's position in resisting applications. He advised he was satisfied with the words agreed by the Working Group and any changes could be left to the Inspector.

The Head of Regulatory Services was thanked for his response and the Councillor explained that any other concerns would be addressed to the Government outside of this debate.

On being asked if there could be a referendum of the Borough on people's views of windfarms and windpower, the Head of Regulatory Services responded that the closest view that could be received in planning terms was the Local Plan consultation responses.

A Member reported that wind turbines were not efficient and that was why the Government had withdrawn the subsidy. The Member advised that there was ongoing research into other methods of renewable energy.

Councillor Illingworth as the seconder stated that he had nothing to add to the debate.

Councillor Chandler closed the debate commended the two recommendations as set out in the Order Paper.

On being put to the vote, the motion was carried.

RESOLVED to

- (1) note the representations received (Appendix A); and
- (2) agree that the Local Plan (Submission version) is prepared on the basis indicated at paragraph 3.7.1 of the report (as illustrated in Appendix B).

The meeting, which commenced at 6.30 p.m., closed at 7.37 p.m.

Mayor