

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 15 June 2017</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>

## Present:

**Chair** Councillor J. Illingworth (Chair)

**Councillors** P. Posnett (Vice-Chair) P. Baguley  
G. Botterill P. Cumbers  
P. Faulkner M. Glancy  
E. Holmes L. Higgins (Substitute)  
B. Rhodes (Substitute)

## **Observers**

**Officers** Solicitor To The Council (SK)  
Regulatory Services Manager  
Planning Officer (TE)  
Administrative Assistant (AS)

Minute No.	Minute
PL6	<p><b>Apologies for Absence</b>  Cllr Chandler (Substituted by Cllr Rhodes)  Cllr Wyatt (Substituted by Cllr Higgins)  Cllr Greenow</p>
PL7	<p><b>Minutes</b>  Minutes of the meeting 25 May 2017</p> <p>Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Holmes.</p> <p>The Committee voted in agreement. It was unanimously agreed by the Members who had been present at the previous meeting, that the Chair sign them as a true record.</p> <p>Cllr Faulkner noted that he was awaiting a response from officers with reference to PL5 urgent business, point 2) of the previous minutes, regarding refurbishment of properties on Nottingham/Asfordby Road.</p> <p>The Regulatory Services Manager stated that it had been recorded as an enforcement case and that officers would proceed with the process as quickly as possible. Officers will report back to Cllr Faulkner once there is an outcome.</p>
PL8	<p><b>Declarations of Interest</b>  Cllr Botterill declared an interest in applications 17/00002/LBC and 17/00001/FUL, Eastwell Hall, 3 Hall Lane, Eastwell.</p> <p>Cllr Rhodes and Cllr Posnett declared interests with regard to being Members at Leicester County Council as well as being Members of Melton Borough Council.</p>
PL9	<p><b>Schedule of Applications</b></p>
PL9.1	<p><b>17/00140/FUL</b></p> <p><b>Applicant: Mrs Katrina Cass</b>  <b>Location: Field OS 0850, Gaddesby Lane Kirby Bellars</b>  <b>Proposal: Erection of dwelling to replace mobile home. Previous application No: 13/00814/FUL</b></p> <p>(a) The Regulatory Services Manager stated that: Noted that there were no updates following the publication of the agenda.</p> <p>Officer explained that this was an application for full planning permission for an agricultural dwelling. The site is in open countryside, remote from any settlement, where permission for a new dwelling would only be granted in exceptional</p>

circumstances.

The proposed three bedroom, detached dwelling would replace an existing mobile home on the site.

The key consideration is whether there is a proven need for a dwelling on this holding. The applicants have submitted information in support of their proposal which has been assessed by the Council's agricultural adviser. This adviser considers that while there is a functional need for one person to live near the site and for them to be employed full-time, there are other dwellings in the local area. He considers that the proposal has not satisfied the financial test. He questions whether the income could support a dwelling and expresses concern about the temporary tenancy of some of the land used by the applicants.

It is recommended that permission should be refused.

(b) Katrina Cass, the applicant, was invited to speak and stated that:

- Applying for an agricultural dwelling to replace mobile home.
- Applicant and husband farming at Kirby Bellars for 20 years.
- Built from nothing to a headage of 60 cows and over 250 breeding ewes.
- Produce free range eggs which are sold at the farm gate and rear nearly 100 turkeys for the Christmas market.
- Farm over 200 acres. Consists of owned land and rented on long term 3 to 5 year FBT's.
- Since permission for the mobile home was granted in 2014 livestock numbers have increased considerably and have been able to take on more land.
- Aside from working on the farm and as part of the farm diversification her husband is an agricultural contractor. The contracting business, materials and equipment are based at the farm.
- Farm accounts and those of the contracting business prove that there is a considerable profit. Enough to sustain the proposed dwelling. No debts, overdrafts, mortgages or loans therefore financially viable.
- Family orientated business. Son is agricultural engineer who maintains the farms machinery and daughter provides support with lambing and livestock management. Daughter wants to carry on the family business.
- Report incorrectly states timber cabin style building. Actually modest 3

bedroom house.

- There is a long term essential need to live at our place of work.
- Would enhance the rural character of the area, not erode as stated in the report.
- Pass farm down through family.
- Viable, profitable and sustainable.
- Welfare of stock could be compromised if unable to live on site.
- A farm of this size needs a dwelling.

Cllr Higgins asked for a point of clarification regarding where the family had been living prior to residing in the mobile home.

Mrs Cass responded that they had been living in the mobile home since 2014. Lived in Asfordby prior to this.

Members asked how many more acres they had taken on and also for clarification of the FBT's.

Mrs Cass responded 160 acres around the farm and that FBT's aren't normally for any longer than 5 years and then they can be renewed.

The Regulatory Services Manager noted that the financial report raised concerns as it stated profits are minimal. Key concerns regarding viability. FBT's less than 10 years raises concerns regarding their land and associated income.

**Cllr Rhodes proposed to permit** the application and added that he was impressed with the applicants account of the farm, however was not impressed with the financial experts comments. Small businesses need effort and commitment to expand. The business appears to be improving. Land for rent is invariably for 5 years.

**Cllr Holmes seconded** the proposal and added that it does take a long time to build up a farming business. With regards to the financial concerns, Mr Cass's contracting business may be paying for the house but that is not the business of the Members.

The Chair asked for clarification if the financial report had taken in to account the farm and Mr Cass's business.

The Regulatory Services Manager responded that Mr Cass's agricultural contracting income does not need to be taken in to account as it is not directly related to the farm holding and doesn't need to be located there.

A Member noted that the contracting business would need to be based at the place they were living due to security. Also have to live on site to look after livestock.

A Member noted that the speaker and the report are contradictory. No guarantee that

tenancies will be renewed after 3 or 5 years. Agricultural contracting business can provide income to the holding. When calving and lambing is taking place someone needs to be there, however we need further financial clarification of how it can be afforded before being able to make a decision.

The Regulatory Services Manager commented that there is a functional need for the dwelling, in terms of the test for looking after animals. However there are concerns regarding the sustainability of the business with regards to finance, particularly the purchase and maintenance of the dwelling.

Some Members offered their support for the following reasons - pleased to see it passes a functional test. Few guarantees in life sometimes need to take risks. Family business, where they work very hard. They are choosing to live in the area so are aware of the villages sustainability. They have no mortgage or other debts. Keeping the family together and giving employment.

A Member raised concerns regarding the professionalism of the report as discrepancies in the explanation from the applicant. Need to be able to rely on reports accuracy.

A Member noted that they valued Cllr Holmes' and Cllr Botterill's industry knowledge. Parents tend to stay in the farm house and then the children need a house to carry on the farming business. There are other dwellings available in the area. Agree that the family are very hardworking however it is in the public interest not to allow houses to be built all over the countryside. Also noted on the site visit that there were no steps to access the caravan accommodation.

A Member raised concerns regarding the financial report and noted that there were no figures.

The Chair responded that finances are private and if they were disclosed it wouldn't be able to be at a public meeting.

A Member noted that officers had advised that the application was not viable for a reason.

A Member noted that there is an established functional need to live near the site and that it needs to be a full time worker. There are profits and losses in farming however there is the contracting business as well. No new farming business will go anywhere if they don't get the support in the early years to make the business work.

The Chair noted that there was enough information in the report to determine the application.

A vote was taken. 7 Members voted in favour to permit and 3 voted against permit. Cllrs Higgins, Botterill and Cumbers requested that their votes against permit be recorded.

Cllr Rhodes noted that the reason for his proposal to permit is that he believed that the additional income from the contracting business should be taken in to account.

**DETERMINATION: PERMIT, subject tot conditions including an agricultural occupancy condition, and other relevant conditions delegated to officers to issue**

**the decision, for the following reasons:**

**The application seeks full planning permission for a dwelling in the open countryside to provide accommodation for the existing farms family. Based on the evidence of the need for the dwelling, the proposal is acceptable under Para 55 of the NPPF and policy OS2 of the Melton Local Plan, which seek to allow for new housing in the open countryside, only where development is essential to the operational requirements of agriculture, and specifically in relation to a dwelling where there is a long term essential need for a rural worker to live at or close to their place of work.**

PL9.2 **16/00334/FUL & 16/00335/LBC**

**Applicant: Mr M Mitchell**

**Location: The Peacock Inn 22 Main Street Redmile NG13 0GA**

**Proposal: Change of use and alterations (including demolition of rear extensions) of public house/restaurant to form 4 dwellings and erection of 2 dwellings.**

(a) The Conservation Officer (TE) stated that: The application is presented following submission of a development appraisal by the applicant which demonstrates the need to provide 2 dwellings on the site. The scheme was previously deferred because the committee wished to see a revision in the design of the new build houses and a revised highway arrangement. The design of the new dwellings was revised to a more traditional scheme and the highways arrangements were unaltered.

Additionally, the suitability of the building as an asset of local community value was presented and it was agreed by the development control team that the building did not have life as a pub in the future, this was proved by the fact that the property was on the market for three years without any purchaser. It was later sold as a pub but with the potential for residential conversion.

(b) Roger Smith, on behalf of the Parish Council, was invited to speak and stated that:

- Deferred previously to allow for a redesign of the site – Fewer number, a single building adjacent to the canal and more parking provision. Also consider if the dwelling can be relocated further from the canal and the traditional approach to the design. They have only changed the appearance of the design. The footprint of the application is the same.
- Revision – 1 new dwelling at the rear of the building resulting in 5 new dwellings overall.
- 4 dwellings created through the change of use reflects just 1.6% return on the

applicant's investment.

- 6 new dwellings – 4 created through the change of use and 2 new dwellings reflecting a larger profit of 7.18% which is still considered low in commercial development terms.
- Building will remain empty if not approved and at risk for the foreseeable future. Sounds like blackmail to the parish that the planning committee must accept this application.
- Parish has no objection to 1 new dwelling being built along the canal as a compromise.
- 2 new dwellings would not be in keeping with the conservation area of the village.
- Problems with car parking on the main street and this would add further.
- Do not want over intensity of the site.

The Chair noted that Members don't feel blackmailed.

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

- Owns 3 properties adjacent to the site. 2 of them (1 of which is listed) share a boundary with the Peacock car park. 1 overlooks the old building.
- Unhappy wasn't made aware of the new application or committee meeting.
- Under the impression that the proposal had been moved closer to my properties which I would have objected to, but this is not the case.
- Only change is the design. Contemporary would have made a stunning contrast and been a statement building. Would have enhanced the area.
- Now going to be traditional. Should contrast not copy.
- Redmile already has a couple of contemporary builds.
- Needs to be commercially viable.
- Actually now speaking in support.

(d) Mike Sibthorp, agent on behalf of the applicant, was invited to speak and stated that:

- Responded to and addressed the committees concerns.
- Presented detailed financial costings which has demonstrated that it is necessary to include 2 dwellings.
- Costings approved. 1 dwelling would not be viable.
- Revised design of the two dwellings to be traditional. Reflects local vernacular.
- Revised overall layout to add additional car parking. Total number now 15.
- Heritage benefits and enhance conservation character.
- Public house has been out of use for many years and no prospect of it reopening. Not an asset of community value as there is another pub already open in the village. No community loss.

Cllr Rhodes asked if they had narrowed the car parking spaces to enable them to make more.

Mr Sibthorp responded that they had previously worked on the basis of 2 spaces per unit with the larger units having more. A concern was raised so we have revised it. There was already space within the site that was not utilised so used that.

Cllr Higgins asked for clarification regarding the year declared as non community asset.

Mr Sibthorp responded that it was in May last year, shortly before the application was submitted.

Cllr Higgins asked if the property was marketed and sold as a pub or building development opportunity.

Mr Sibthorp stated it was purchased as seen, which was as a pub.



Cllr Higgins asked if the opportunity was ever explored.

Mr Sibthorp stated that it was marketed as a public house but never sold.

**Cllr Baguley proposed approval** of the application and commented that the applicant had done their best to address all concerns. It is not ideal but neither is the state of the listed building. It needs to be returned to its former glory. It's a shame about the 5 parking spaces at the front and losing a little bit of garden.

**Cllr Cumbers seconded** the proposal and commented that it is sad to lose a pub but at least there is another one in the village. Glad the zinc roofs have gone. There has to be a compromise and this is better than what we have seen before.

Cllr Rhodes commented that he was previously in favour of refusing the application. Aware the Parish Council still has concerns. However he was taken back by Mr Lowther's presentation as he had also thought he was an objector. Believe it would be better with only 1 house but the other side of the argument is that the developer may walk away and it would fall into further disrepair.

A Member raised concerns regarding red bricks being built on red soil. Felt it should be built in stone so it would mellow in to the area. 1 dwelling would also have been better.

The conservation officer responded that there is brick in the village as well as ironstone. Strict conditions regarding material specifications.

A Member commented that there are already brick buildings at the back and the stone building will be in front so they won't be seen. As long as they look good and no concrete pantiles on the roof.

A Member commented that the Council should assist public houses in trouble. Should be more positive about assets of community value and find a way to help them. Applicant purchased as a pub but not tried to see if it is viable. Land banking in terms of public houses. However in terms of this application the asset and heritage asset is essential. Thank the applicant for taking it on and taking the risk of minimal

profit which may even become a loss if there are difficulties in the development.

A Member commented that it is appropriate to have brick there.

A vote was taken. The Members voted unanimously to permit.

**DETERMINATION: PERMIT: Planning permission and Listed Building Consent granted subject to the conditions as set out in the report, for the following reasons:**

**It is considered that the issue of new residential development in a sensitive location within the Redmile Conservation Area requires good quality contemporary design, to ensure there is limited impact and harm to the character of the Conservation Area and the legibility of the listed building. It is considered that, on the balance of the issues, the benefits in the restoration of a heritage asset at risk outweighs the harm to the loss of historic fabric and the creation of new dwellings in a rural location. Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be permitted.**

PL9.3

**16/00318/OUT**

**Applicant: Croft Developments Limited**

**Location: Land around Sherbrook House and Millway Foods, Colston Lane, Harby**

**Proposal: Outline application for the erection of 50 dwellings with associated access, landscaping and infrastructure.**

(a) The Regulatory Services Manager stated that: There have been no updates following the publication of the agenda. For the record , note that the applicants have agreed to pay the developer contribution for the village hall ( page 11 of report).

This is an application for outline planning permission for 50 dwellings with associated infrastructure. The only matters for consideration at this stage are the principle of development and the vehicular access. A single point of access is proposed from Colston Lane .

The site is a mix of greenfield and brownfield land between the existing edge of the built area of the village and the vacant former Millway Foods site.

The main considerations are compliance with policy and the NPPF, sustainable development ,impact upon the character of the countryside and highway safety .

The site is outside the old village envelope for Harby ,but it is situated between the village and the former Millway Foods site where outline planning permission was granted on appeal in January this year for 53 houses . Harby is a sustainable village ,with a range of facilities which can accommodate some growth .The development of the current application site is a reasonably logical proposal which would deliver housing in general and affordable housing in particular. Due to its location the impact of the development upon the character and appearance of the countryside would be limited .

The developer has agreed to make all of the contributions which have been requested .

The Highway Authority considers that the proposed access is acceptable. They have requested that the development should provide a new footway ,to link in with the existing footway on the opposite side of the road, which would help to make the site accessible.

It is recommended that permission is granted subject to a section 106 agreement to secure the developer contributions which have been requested and the conditions which are listed in this report.

(b) Cllr Philip Tillyard, on behalf of Clawson, Hose and Harby Parish Council, was invited to speak and stated that:

- Concerns regarding the cumulative effect on the housing proposals within the village of Harby.
- As part of the emerging local plan Harby was allocated 98 new dwelling over a 20 year period. If this proposal is accepted we will be up to 138. Far too many now.
- There is currently planning permission granted for 78 houses and if you add windfalls to that, it takes it to 88.
- Cumulative effect on the local school. Officers report states 12 school places will be generated by this development. Other applications don't appear to have been taken into consideration.
- Currently 83 children on school role. County Council states 105 capacity but practicality should be 95. No school hall. Disassemble classrooms at lunchtime.

- Suggest deferral or refusal regarding provision for the school.

Cllr Rhodes noted that this was new information regarding school and he had believed the school could cope.

Cllr Tillyard confirmed that he had spoken to the deputy head of the school.

Cllr Higgins asked if Cllr Tillyard had spoken to the other school.

Cllr Tillyard responded that they accept the position regarding the school at Hose. In the secondary school provision it takes in to account the other developments however there is no mention of this for the primary schools.

Cllr Faulkner asked if there had been any discussions regarding the expected numbers in the next 5 years. Could get the figures from the birth registers.

Cllr Tillyard stated that when he had spoken to the deputy head they had no figures for September yet. But the numbers generally seem to go up. Presume the County Council get their figures from the birth registers.

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

- Too large for village.
- Harmful to the local character and appearance.
- Too many houses at too great a density.
- Piece meal, uncoordinated development with no regard to adjoining derelict site at Millway. Should be considered together with regards to physical cumulative impact and visual impact.
- Combined impact on unsustainable traffic conditions, school places and the village hall.
- Not in accordance with NPPF and emerging local plan settlement policy. To be fair that has changed as the status of Harby has changed. Note that the local plan has been delayed deliberately.

- Premature without local plans.
- Pedestrian links to the village and canal need improvement to provide safe access.
- Mixed brownfield and greenfield site. Error in report as NPPF excludes agricultural buildings from the definition of brownfield land.
- Proposed access proposal appears to offer a new footpath along the site frontage. This has already been proffered in connection with the Millway scheme. However makes no reference to the necessary improvement to the existing 1 metre wide footpath on the south side of Colston Lane. Cumulative effect on pedestrian safety.

(d) Andrew Gore, agent for the applicant, was invited to speak and stated that:

- Village of Harby is identified in the emerging local plan as a service centre, meaning that it has 4 of the identified essential criteria that allows the village to serve the basic day to day needs of its residents.
- The site is draft allocated in the emerging plan for a total 50 houses. The scale of the proposal is Inline with the draft plan and policies.
- The draft policy states that the development will be supported if it addresses: 1) The Colston lane frontage. 2) Biodiversity improvements. 3) Footpath links. 4) Northern and Western site boundaries are sensitively treated with additional landscaping.
- Applicant will address these points: Frontage development facing on to Colston Lane. Will propose additional landscaping to Northern and Western boundaries. Significant biodiversity enhancements adjacent to the canal and Millway Foods site. A footpath link will be provided to allow the scheme to link up with the village.
- Included within housing land supply figure.
- Will provide policy compliant affordable housing – 18 dwellings.
- Contribution of over £100,000 towards the new Harby village hall.
- LEA supplied renewed figures/comments. No request for primary/secondary or further education from the LEA. They are satisfied that the school has capacity.
- The development is sustainable and the benefits will significantly outweigh the impacts.

The Regulatory Services Manager addressed the issues raised:

- Supplementary request to ensure the education advice was based on current information. Advice is contributions are not required especially for primary school.
- There will be an impact on village hall but the developer has offered a contribution.
- Highways deemed access to be acceptable. Provision of new footpath is acceptable to highways requirements.
- Neighbourhood plan is not sufficiently advanced so little weight can be given.
- Cumulative impact – we look at if the village can cope with drainage, infrastructure and education as set out in the report. On the assessment of those facilities the answer is yes. Harder to define – impact upon landscape and other important assets. It's a fairly flat and reasonably well screened site between the village and a semi derelict site therefore harm to landscape would be difficult to argue.
- Site status – only bit of the site which is potentially brownfield is the agricultural buildings at the front of the site. Majority of the site is greenfield. If the buildings were not classed as brownfield they are in the minority anyway.

**Cllr Rhodes proposed to defer** the application to gain further information regarding education contributions and clarity of school places.

**Cllr Baguley seconded** the proposal to defer.

A Member noted that The Regulatory Services Manager had recently checked the figures regarding education and that County Council had stated that they were correct.

The Chair asked if the County Council had taken in to account applications that had been previously granted but not completed.

The Regulatory Services Manager confirmed that he had asked them to check to ensure their comments took in to account all recent, relevant decisions.

Members noted that there was no harm in checking again and as the authority would not be able to seek a contribution retrospectively.

A vote was taken. 4 Members voted in favour of deferral. There were 6 abstentions.

**DETERMINATION: DEFERRED to enable officers to check the capacity of local schools, in particular the primary school, to establish whether a developer contribution for education is necessary.**

PL9.4 **17/00002/LBC & 17/00001/FUL**

**Applicant: Ms G Milham**

**Location: Eastwell Hall 3 Hall Lane Eastwell LE14 4EE**

**Proposal: Conversion of Eastwell Hall to three dwellings**

Cllr Botterill left the meeting at 7.35pm after declaring an interest in these applications.

(a) The Conservation Officer stated that: The application is required to be considered by the Committee because there are exceptional circumstances; allegations have been made by former residents of the building that the owners are guilty of deliberate neglect to the building, in allowing it to reach a state of dilapidation necessitating significant modernisation and the subdivision of the house to maximise their revenues. Historic England have identified less than substantial harm as a result of subdivision of the property, and this is considered to be outweighed by the benefits of securing the building's optimum viable use, in accordance with Paragraph 134 of the NPPF.

The former tenants who have objected to the proposal claim that the building's optimum viable use is as a single residential dwelling, consummate with its historical origins. However, this application was submitted in January 2017 and six months later, there has been no confirmed interest in taking occupation of the building as a single dwelling, as claimed by the objectors. As such, Historic England's guidance informs the recommendation for this application, in that the works to restore the property as a result of its subdivision will secure its optimum viable use and increase the public benefit of a restored Grade II\* listed building which is only marginally legible from the exterior by the nature of screening / partitioning between the newly created properties.

Cllr Baguley proposed to permit the application and added that it costs a lot of money to restore these types of buildings. Historic England have a list of buildings at risk.

The Conservation Officer noted that the applicants had demonstrated a sound knowledge of conservation.

**Cllr Higgins seconded** the proposal and noted that these great houses are eventually split up as society has changed and they are expensive to run.

A Member commented that the building already looks like 3 dwellings and it shouldn't be allowed to get in to any worse state.

A vote was taken. The Members voted unanimously to permit the application.

**DETERMINATION: Planning permission and Listed Building Consent approved as recommendation for the following reasons:**

**The determining factor is considered to be Historic England's assessment of 'less than substantial harm' that would result from the subdivision of the property. As such, the public benefits outweigh the harm caused in the loss of historic character of the building. The allegations of deliberate neglect must be given material consideration and must form the basis of a separate enquiry with regards to unauthorised works. However, it is recommended that this does not interfere with the matter of securing the optimum viable use of an empty and dilapidated Grade II\* listed building. The applicant is minded to ensure the properties would not be granted registration as separate dwellings until the work has been carried out, as such the subdivision is considered a form of enabling development, with the restoration of the heritage asset identified as the most important asset in the programme of works.**

Cllr Botterill returned to the meeting at 7.43pm

PL10

**Urgent Business**

Cllr Botterill raised a concern regarding an application at Greengates Farm, Eastwell Road, Goadby Marwood which had a 3 year temporary permission which was at the end of its term. Requested if Officers could review the renewal.

Cllr Holmes commented that she would also ask officers to look in to this matter.

The request was noted by officers.

The meeting closed at: 7.47 pm

Chair



