

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 13 December 2018</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  
L. Higgins E. Holmes  
B. Rhodes

## **Observers**

**Officers** Solicitor To The Council (RP)  
Assistant Director for Strategic Planning and Regulatory Services  
Development Manager (LP)  
Planning Officer (GBA)  
Planning Officer (TE)  
Administrative Assistant (JD)

Minute No.	Minute
PL55	<p><b>Apologies for Absence</b>  Cllr Bains sent his apologies.  Cllr Greenow sent his apologies and was substituted by Cllr Higgins.</p>
PL56	<p><b>Minutes</b>  Minutes of the meeting held on Thursday 15<sup>th</sup> November 2018.</p> <p>Approval of the minutes was proposed by Cllr Baguley and seconded by Cllr Faulkner. It was unanimously agreed that the Chair sign them as a true record.</p>
PL57	<p><b>Declarations of Interest</b>  Cllr Rhodes declared that he had personal interest in matters related to County Council which might arise during the meeting.  Cllr Posnett declared that as a County Cllr, she had a personal interest in anything that may relate to the County Council.  Cllr Higgins stated he didn't believe he did have a personal interest but made the following statement; it's been made aware to the monitoring officer that I may have an interest in the land owner. I do not know the Agent or Applicant of item 4.1. However I spoke to the monitoring officer and may have known the former owner of the site but that does not mean I have an interest. I have full confidence in the committee to make a decision in my absence so will leave the room on that. Monitoring officer, solicitor, have both advised me I am free to proceed. I will not prejudice the decision you make for that.</p>
PL58	<p><b>Schedule of Applications</b>  The Chair informed the Committee that Item 4.3 had been withdrawn.  Cllr Higgins left the meeting at 18:11pm, before the application was discussed.</p>
PL58.1	<p><b>18/00721/OUT</b>  <b>Applicant: Rosconn Strategic Land – Mr Nick Carr</b>  <b>Location: OS 4240, Burdetts Close, Great Dalby</b>  <b>Proposal: Outline planning application for the construction of up to 35 no. dwellings (Class C3) (amended from 38) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved.</b></p> <p>(a) The Planning Officer (GBA) stated that:  The following application is an outline proposal for up to 35 dwellings off Burdetts Close, Great Dalby.  All matters are reserved apart from the principle, access and the layout.  This layout has been amended on numerous occasions to take into consideration the representations of English Heritage and other relevant consultees.  Before discussing the full details of the case, I would like to report the following</p>

updates/revisions to the published report before you.

- An additional representation has been received from a Mrs. Hardy of 1 Main Street Great Dalby concerning impacts upon views, being overlooked, noise and flooding issues.
- The parish council as you hopefully have seen in your email of this week, have made additional comments in respect of this application concerning the determination made in the report and drawing attention to the report that has been produced by a consultant in August of this year.
- I would like to issue apologies for the contribution statement on secondary education which should state that the two secondary schools have capacity of 1900 not 1100. I would however like to state that the figures are based on an application for up to 38 dwellings and now the proposal is 35 the figures will be reduced but based on the same formula.
- The church is grade II\* listed for the avoidance of doubt.
- Specific queries following site inspections related to the replacement policies for open space and play area requirements. This is now embedded in EN7 of the new local plan. This states that any new development of 10+ dwellings will need to provide open space areas. For this proposal, this will be the form of the play area for The Royal Oak public house.
- Levels were also brought up and I hope you have seen the plans sent by email this week. For ease, the presentation has shown various areas of levels if requested.
- Finally, the apartments will be two storeys in height as I know this was also a query raised.

The proposal before you tonight is an allocated site within the local plan reference GREA1 which as part of the examination was intensely scrutinised by the examiner which laid out various requirements for any development in this area. Within the Inspector's Report there is mention that due to the position and limited extent of the proposal, its visual impact could be minimised by sensitive design including appropriate boundary treatment. Modification of the policy to require that any development would provide more specific protection for the open character of the remainder of the area, and ensure that the design respects the settings of nearby heritage assets, would help to minimise any detrimental impacts. There was recognition that the proposal would be likely to cause limited harm to Great Dalby's designated heritage assets. However on balance, the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation.

Despite this acceptance, there has been a series of negotiations to appease the concerns of Historic England who wanted the site to be 'stepped in'/undeveloped at the south west corner which has been achieved, removing three units from the original proposal.

The scheme is assessed as providing roughly the allocated numbers of housing which does compromise houses off roads in attempt to produce a linear scheme for what is a an irregular shape site.

Further finished details will be achieved at the reserved matters stage which has been detailed in the design and access statements with this application.

As an allocated site that has catered for roughly the same numbers as identified as

acceptable by the local plan examiner, the principle of the development has already been established as acceptable. Through a series of revisions the proposal has achieved the desires of Historic England. Even though they still have concerns they contend that the amendments would go some way in reducing the proposals impact and resultant harm to the significance that the church derives from its setting and to the character and appearance of the conservation area. This result in a degree of harm at the lower end of less than substantial harm. In accordance with paragraphs 192, 193, 194 and 196 of the NPPF, it is deduced that the public benefits outweigh this minimal harm caused. There are other benefits resulting from the proposal including contributions for the schools, surgery and play area. It will provide the required affordable housing quotas and improve the bus stops locally. All statutory consultees are in support subject to conditions and as such the proposal is recommended for approval as per the report.

(b) Cllr Johnson, on behalf of Burton & Dalby Parish Council was invited to speak and stated that:

- Great Dalby has an unusual and distinctive form which isn't obvious when driving through the village. It is in fact a 'double village' made up of two distinctive parts, separated by swathes of open land.
- Application site is part of the open area that separates Nether End from Burrough End.
- Green open area is remarked on in the Conservation Area Appraisal, which states that the tract of open land is an important characteristic of the village.
- Independent expert's assessment suggested that the development would cause considerable harm to the significance of Great Dalby's Conservation Area and would be harmful to the setting of the Church.
- Independent expert stated their concerns and issues remained unchanged after reviewing the revised layout.
- Similar application was refused on appeal, the principal reasons being it's adverse impact on character and appearance.
- Latest proposal would neither conserve, let alone enhance the village's designated heritage assets.

A Cllr asked whether the land had ever been used for agricultural purposes then commented on the appearance of the and how it looked unkempt.

Cllr Johnson stated that the condition of a conservation area should not influence the decision to protect it. It was originally part of the land holdings of one of the farms on Nether End and has now been privately owned for 10 years.

A Cllr asked whether there were any particular species of grass or plant on it.

Cllr Johnson stated that she thought there had been a report produced on this.

The Chair queried the date of the application Cllr Johnson made reference to that had been refused on appeal.

Cllr Johnson replied approximately 1991.

A Cllr asked how many houses were proposed on that previous application.

Cllr Johnson stated approximately 20.

(c) Mark Rose, Agent to the Applicant was invited to speak and stated that:

- NPPF requires the delivery of sustainable development to meet the housing needs of rural communities.
- Sustainable development for a rural community. Great Dalby is identified as a rural hub in adopted Local Plan and the site has been allocated for development
- 35 new homes, 14 of which affordable, reflects the needs and is a valuable contribution.
- Included in the 5 year land supply.
- Ensures sustainability, benefitting future communities.
- Substantial S106 contributions proposed to enhance local facilities including playground project.
- Design has positively responded to the comments made in the consultations with officers and other key stakeholders.
- Scheme delivers high quality housing development with a clear sense of place. Well integrated into Great Dalby and is respectful to the countryside.
- Harm to conservation area and listed church is at the lower end of less than substantial.
- Limited harm caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation.
- Reflection of a sensitive approach, is the retention of public landscape open space, the retention of existing hedgerows and trees and enhancement of the public right of way running throughout the site.

A Cllr asked whether this was a protected open space in the previous Local Plan.

The Assistant Director of Strategic Planning and Regulatory Services requested a moment, while he looked into it.

A Cllr acknowledged that the applicant was happy to contribute to a play area but questioned why one had not been included on its own in the plans.

Mr Rose stated that he was aware that the site was near to a play scheme in need of funding, and suggested it'd be better to have one better quality and ensure future maintenance play area, rather than two smaller ones. It was proposed to officers that the S106 can be written in the alternative so if the scheme didn't come forward or the money isn't taken up then it could contribute to another scheme or go towards one on site.

A Cllr stated that it was a requirement of the council to have a play area within the site.

Mr Rose replied that it was his understanding that it is the provision of a play area that meets the need of the development.

A Cllr requested legal advice from the Solicitor to the Council.

The Solicitor to the Council stated that it was a Policy matter.

Cllr Glancy made reference to the bungalow on the plans and questioned whether all other homes would be normal 2 storeys.

Mr Rose replied that that is the plan. The Design & Access statement addendum provided does provide more detail than would normally be the case for an outline application in terms of the scale and appearance of the proposed dwellings to ensure that they reflect the local vernacular architecture

The Chair said that in the interest of thoroughness, 'absolutely no 2.5 or 3 storey dwellings'. He asked if it could be a condition that there are to be no 2.5 or 3 storey dwellings.

Mr Rose replied he was sure that could be the case, it could be conditioned.

The Chair asked if they were planning to put any.

Mr Rose responded no but if reassurance was needed then it could be a condition.

(d) Cllr Simpson, the Ward Cllr was invited to speak and stated that:

- Application would be contrary to the Local Plan.
- When adopting the Local Plan, it was agreed that residential development could only take place on this greenfield site providing that the scheme (1) enclosed the site and (2) conserved and enhanced existing heritage assets including the Conservation Area and the Grade II\* Listed Church.
- Historic England advised the proposal would be harmful to the significance of the church derives from its setting and to the character and appearance of the Conservation Area.
- Not enclosing the site would risk further intrusion into the open area and further harm to the Great Dalby Conservation Area.
- It is important that the council observes and applies the modified site specific policy GREA1 when assessing the application.
- Must be mindful of the duties to give special regard to the desirability of preserving or enhancing the setting of listed buildings and to give special attention to preserving and enhancing the Conservation Area.
- Great weight should be given to the finding of 'less than substantial harm' to the Conservation Area and even greater weight should be given to the finding of 'less than substantial harm' to the setting of the church as a Grade II\* listed heritage asset.
- Harm to heritage assets outweighs the public benefits of the proposal.

The Chair questioned Cllr Simpson stating that this would be contrary to policy. As this is an allocated site in the Local Plan and asked whether she was suggesting

we had contravened our own policy in producing the plan and an error had been made.

Cllr Simpson suggested that it would be better for The Assistant Director of Strategic Planning and Regulatory Services to explain. The policy for the application is GREA1. It has its own policy that's been included by the inspector because of the potential harm.

The Chair pointed out that this still hadn't been recommended to change or to remove the application.

Cllr Simpson reiterated that she thought it'd be better coming from The Assistant Director of Strategic Planning and Regulatory Services.

The Chair asked the officers were happy to address the issues raised through the course of the presentations.

GBA addressed the Parish Council comments that it is harmful to the area. English Heritage have stated that is not the case and the revisions have amended quite a lot of the issues that were raised in the initial application. He confirmed that the previous application referred to was around 1990. He explained that now is a different time so there are to be different considerations. The examiner now has considered this to be an acceptable site provided that various tick boxes have been achieved. GBA confirmed that this land was not protected in the previous Local Plan and was never a protected open space according to records we have. He went on to quote EN7. He went on to explain in relation to the comments made about enclosure of the site; he believed this had been done to the best way possible given the sites constraints. Any future applications would be assessed on their own merits.

The Assistant Director of Strategic Planning and Regulatory Services stated that the allocation is not contrary to the policy, it is the policy. The inspector made some clear statements which we have repeated in the report about the balance of harm and benefits. He reminded Cllrs they are dealing with an outline application.

He made reference to the words used by the speakers and quoted 'special attention to the desirability and character appearance of the conservation Area and setting of listed buildings' and added that they will be important during debate. It is a standing duty for applications in such a location anyway; a summary has been quoted in the report. It appears also, in the site specific policy GREA1. He stated Cllr Simpson was right in what she said, only if it serves to preserve and enhance the character of the area.

A Cllr stated they had not received clarity about the play area. They expressed how important they felt it was, and could not see the harm in having two, as Great Dalby is quite a big village.

The Assistant Director of Strategic Planning and Regulatory Services explained it required the Cllrs judgement. He said that it was a proposition that they fund the

nearby play area, and they didn't need to be persuaded by it. It could be built into the decision.

The Chair wished to add that we are acutely aware that this site is in a Conservation Area and gives rise to issues regarding the setting of a listed building. He explained that this is why the site visit was so important. It showed the character and appearance of the area and the likely effects. It helped to verify the accuracy of comments and advice given, particularly about viewpoints around the church. He reminded members that for those reason their duties under the planning and conservation areas act are triggered. They must give special consideration to the character of the conservation area and the setting of listed building as reminded in the report. He emphasised that this area is allocated for housing development in the local plan under C1a, specific policy GREA1. The inspector adjudicated the balance between harm and benefits.

A Cllr questioned whether the matters discussed in the letter received from the Parish Council had been dealt with.

The Assistant Director of Strategic Planning and Regulatory Services explained it depended on how members proceeded. The letter reminded us of the duties that come from both law and policy and to give special consideration to the desirability and character appearance of the conservation Area and setting of listed buildings, which is why he mentioned those words previously. They are pre-empting that if this was overlooked or neglected we would be neglecting the law in the process. That's why such attention has been drawn to it.

The solicitor to the council had not seen the letter however he anticipated it discussed the local authority's obligations in relation to the conservation area and the listed building. This has been allocated by this authority having taken those constraints into consideration and that in principal, residential development is acceptable. It seems the right way to apply constraints would be to look at the detail and to question whether the layout respects constraints. If so then fine if not then you may not want to approve the layout. It seems the principle has already been decided.

A Cllr queried whether he was right to think the letter is more relevant to a full application rather than an outline.

The Chair agreed that it did seem to look at detail that would be a reserved matter.

The solicitor to the council stated it seemed it would be open to the authority to say whether it was content with a grant of outline permission but not content to approve particular layout. And that with any approval, members would attach a full conditions requiring details of layout to be approved.

A Cllr asked if members were being asked to approve layout.

The Chair confirmed that they were.



The Assistant Director of Strategic Planning and Regulatory Services added that he thought the letter was seeking to open debate about whether it should have been allocated in the first place.

A Cllr asked whether if this outline was approved, would it come back to committee for reserved matters?

The Assistant Director of Strategic Planning and Regulatory Services explained that it would do only if members instructed or it had to be based upon objections.

A Cllr expressed concerns of flooding and a need for a detailed report.

The Chair read out condition 9 regarding drainage requirements.

A Cllr stated that it exceeded the 5 year land supply and that the balance of housing need is not there. Policies in the NPPF are there to protect Greenfield sites and this was protected. The land is central and important to the village.

The Chair reminded members that the land was not protected previously.

The Development Manager clarified the 1999 local plan did not designate it as a protected open space. The local plan included this number of houses as part of that target, so to undermine the allocation of it is removing the overall underlying numbers without going above that 5 year.

The Assistant Director of Strategic Planning and Regulatory Services explained 5 year land supply is not an upper limit. This is an allocated site in the plan with strings attached and invite you to debate those. Conservation area brings on board a further range of policies which are the one The Chair outlined.

A Cllr stated that land is in the local plan and goes towards land supply. They were mindful of getting it right for existing residents, and keen to have a limit on 2 storey homes. No 2.5 or 3 and wanted to impose a condition to ensure the SW corner remains undeveloped.

A Cllr stated she can't see how this housing would conserve and enhance.

**Cllr Posnett agreed and suggested that what's being eluded to is that members may be perhaps voting against our own local plan. This is what we wanted and this is allocated in the local plan. In view of that, with the limitations put on proposed to permit.**

**Cllr Botterill seconded**

The Chair questioned whether it be permitted in line with no changes.

A Cllr wished to have the condition of no more than 2 storey homes, no more than 35 in total, and for the SW corner to remain undeveloped.

Cllr Posnett accepted.

Cllr Botterill agreed.

A Cllr stated that although the principal was established, they were considering this specific development put forward. He did not consider sufficient evidence had been given in analysis in a way which is satisfactory in the report. He referred to page 328 of Local Plan and policy GREA1, and quoted the 4th point.

A Cllr requested a play area be included as a condition.

The Assistant Director of Strategic Planning and Regulatory Services queried whether that be in lieu of the recommendation or as well as.

A Cllr stated the priority should be a play area on the site.

The Chair asked the proposer and seconder if they were happy with that.

A Cllr disagreed, and stated that cannot be expected o a developer.

The Chair requested to go back to policy and whether it stated housing developments of 10 or more are obliged to provide a play area within the proposed development.

The Assistant Director of Strategic Planning and Regulatory Services stated it is dependant on circumstances.

The Chair explained members have the option of whether they'd like to specify it be on site. He asked whether this is what members want.

Cllr Posnett agreed to have the play area on site as long as there is no expectation to pay towards the other one.

Cllr Botterill queried how far the play area was from the site.

The Chair explained it was not far, however it was the other side of the road to the development, therefore could not see how that would be fulfilling the needs of this development. He then went on to express how he thought it was dangerous at such and early opportunity to refuse. This was designated in the local plan and reminded members that it is an outline. Details were not before them so they cannot judge levels of harm, and the principal was developing a site on offered layout. Materials and reserved matters would determine whether it complies with other aspects of policies.

**A vote was taken. 5 Members voted to permit the application. 4 Members voted to refuse the application. 1 Member voted to abstain.**

**Cllr Cumbers, Cllr Holmes, Cllr Baguley wished to have their vote to refuse**

recorded.

**Application approved.**

**Determination: The character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, and as such is considered to accord with the allocation in the Melton Local Plan.**

19:13pm Cllr Higgins returned to the meeting.

PL58.2

**18/00500/OUT**

**Applicant: Stroud And Son - George Stroud**

**Location: Grange Farm House, Harby Lane, Hose**

**Proposal: Proposed Residential Development for 35 Houses.**

(a) The Development Manager (LP) stated that:

Members will recall that the application was deferred at the meeting of 15<sup>th</sup> November 2018 in order to invite the submission of an amended red line plan, as the 'red line' plan submitted did not accord with the site allocation plan in the Local Plan.

The Parish Council has also made a Section 106 contribution request in relation to play equipment which is to be located in the village park adjacent to the primary school. There has also been additional information submitted in relation to Long Clawson surgery which demonstrates compliance with the CIL Regulations and the request can be legitimately including is a Section 106 agreement.

Following the deferral a revised plan has been submitted. The plan remains as a slight variation from the site allocation due to the current access point being included. It is considered that the additional area could not be developed as it forms an existing access road to Hose Grange.

It is considered that the minimal variation from the site allocation is acceptable and the proposal is recommended for approval subject to conditions and updated section 106 contributions as set out in the report.

(b) Maurice Fairhurst, Agent to the Applicant was invited to speak and stated that:

- Northern boundary was the only concern previously. Since then, amended plans have been submitted.
- Application boundary follows the allocation apart from the access onto Harby Lane.
- Highways would like one entrance for both the farm and housing development.
- All matters reserved apart from access.

A Cllr queried whether the issues relating to access had been advised to Cllrs previously.

Mr Fairhurst confirmed it was, and that the problem was that the northern boundary extended too far. He explained it wasn't on the proposal until Highway suggested that access.

A Cllr asked whether the report had changed since the last meeting.

The Chair confirmed that it remained the same.

A Cllr questioned talk of the s106 in the previous meeting regarding play equipment.

Mr Fairhurst replied the applicant was happy to provide the play area but wasn't sure about whether it'd be equipped as they'd had a request from the Parish Council to contribute to existing play area.

**Cllr Rhodes stated that had there not been a defect in the last committee, he would've recommended to permit, and was happy to propose.**

**Cllr Baguley seconded.**

A Cllr questioned whether a play area could be conditioned in line with policy.

The Chair asked Cllr Rhodes if he was happy to include.

Cllr Rhodes disagreed. He reiterated that the Parish Council had requested money for the play area in accordance with what people wanted.

The Assistant Director of Strategic Planning and Regulatory Services stated it was either solution, depending on discretion.

**A vote was taken. 9 Members voted to permit. 1 Member voted to abstain.**

**Application approved.**

**Determination: The site is allocated for development in the adopted Melton Local Plan. The application is in outline and demonstrates how this allocation can be fulfilled, including the site specific criteria applied by the Plan. No material considerations are present which indicate the decision should depart from the development plan.**

PL58.3

**18/01162/FUL**

**Applicant: Mr Henry Llewellyn**

**Location: Farm Buildings Adjacent Stapleford Cross, Glebe Road, Stapleford, Melton Mowbray**

**Proposal: Change of use and extension of the existing stable barn into two residential units**

(a) The Planning Officer (TE) stated that:

This is for 2 units on the fringes of Stapleford Hall. A former stable block proposed to be converted. The materials proposed are in accordance with the conversion of outbuildings and is to be commended timber frame windows and any slating will be replaced.

The scheme is considered to be a positive conversion of an additional outbuilding

and as such, outweighs the dis-benefits of development in an unsustainable location.

This is recommended for approval.

**Cllr Holmes proposed to permit.** Adding it was good for people working in the area, particularly Stapleford Park.

**Cllr Higgins seconded.**

A Cllr stated that it was a good way of using an existing building and was a good contribution.

A Cllr agreed that it was a good way of conserving a building of that nature.

**A vote was taken. It was unanimously decided that the application should be permitted.**

**Application approved**

**Determination: In conclusion it is considered that, on the balance of the issues, the benefits of the restoration of a heritage asset is considered to be a material consideration of sufficient weight to justify a departure from Local Plan policy which is normally to strictly control the creation of new dwellings in a rural location.**

PL59	<b>Urgent Business</b> None
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The meeting closed at: 7.31 pm

Chair