

Minutes

Meeting name	Planning Committee
Date	Thursday, 1 February 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Chandler
P. Cumbers	P. Faulkner
M. Glancy	T. Greenow
E. Holmes	J. Wyatt

Observers

Officers

Solicitor To The Council (SP)
Assistant Director for Strategic Planning and Regulatory Services
Planning Officer (GBA)
Planning Officer (JL)
Applications And Advice Manager (LP)
Administrative Assistant (AS)

Minute No.	Minute
PL73	<p>Apologies for Absence None</p>
PL74	<p>Minutes Minutes of the meeting held on 04.12.17 (Special Meeting of the Planning Committee) and 11.01.18.</p> <p>Approval of the minutes of the meeting on 04.12.17 was proposed by Cllr Holmes and seconded by Cllr Chandler. It was unanimously agreed that the Chair sign them as a true record.</p> <p>Minutes of meeting on 11.01.18 were unanimously agreed to be deferred as all Members had not had enough time to consider them due to a delay in publishing.</p>
PL75	<p>Declarations of Interest The Chair stated that Cllr Orson, Ward Councillor for Old Dalby, would like it noted that he would not be speaking regarding application 17/00397/OUT – Land opposite 1 And 10 Station Lane, Old Dalby due to a disclosable pecuniary interest.</p> <p>Cllr Baguley declared a personal and pecuniary interest in application 17/00507/COU - The John Dory, 2 Rutland Square, Barkestone-Le Vale.</p> <p>Cllr Holmes declared a personal interest in application 14/00808/OUT – Field No 3968, Melton Spinney Road, Thorpe Arnold and noted that she had been advised by officers that she did not have to declare an interest as she had no input with the local plan and could take part in the decision. She felt unable to due to emails she had received.</p> <p>Cllr Posnett declared a personal and pecuniary interest in applications 14/00808/OUT - Field No 3968, Melton Spinney Road, Thorpe Arnold and 17/1019/FUL - Gates Nurseries And Garden Centre, Somerby Road, Cold Overton</p> <p>Cllr Glancy declared a bias regarding 14/00808/OUT - Field No 3968, Melton Spinney Road, Thorpe Arnold. She noted that she was also ward Cllr for this application and would like to address the committee members prior to leaving the room for the duration of the application hearing.</p>
PL76	<p>Schedule of Applications</p>
PL76.1	<p>17/00997/OUT - Report Withdrawn From Agenda Applicant: Hazelton Homes and Mark Curtis Bennett</p> <p>Location: Field OS 3300, Oakham Road, Somerby</p>

Proposal: Residential development for up to 31no dwellings (re-submission of 16/00100/OUT)

- (a) The Head of Strategic Planning and Regulatory Services stated that the application had been withdrawn from this committee due to further information still arriving which needed to be publicised and considered.

Cllr Holmes and Cllr Posnett left the meeting at 6.10pm due their interest in application 14/00808/OUT.

PL76.2 **14/00808/OUT**

Applicant: Taylor Wimpey UK Ltd

Location: Field No 3968, Melton Spinney Road, Thorpe Arnold

Proposal: Residential development for up to 200 dwellings including means of access, open space and associated development

The Chair explained that Cllr Glancy would be present for the Officers report and then make her statement before leaving.

- (a) The Head of Strategic Planning and Regulatory Services stated that: Long standing application raising many issues.
The application proposes 200 dwellings and the following are the key issues,
- Level of affordable housing: proposes 10% affordable housing, of which 25% would be bungalows –note narrative explaining viability appraisal and gov. policy on this subject.
 - the Local Plan and the NPPF – site is part of the North SUE and is contributing some parts in accordance with emerging policy
 - Transport issues: Highway safety, traffic impact and public transport – highways satisfied with the impacts subject to a series of mitigations secured by conditions and s106, including of course the contribution to the MMDR. Highways have also looked at the detailed issues raised by residents (e.g. the pinch point, twin lakes traffic etc.) and consider the application acceptable
 - Impact upon residential amenities – site is in outline and whilst an approach has been suggested, this is not fixed. However the site is large and there are no doubts an acceptable scheme can be developed. Members are invited to specify any essentials to achieve this in the conditions.
 - Infrastructure and facilities: A contribution to schools police, libraries and waste in order to maintain capacity.
 - Ecology – no issues , the conditions requested can be accommodated
 - Proximity to, and effect upon, Melton country park – again a scheme is presented but is indicative. Members are also invited to specify

their minimum requirements having heard the comments

Further comments on the adequacy of the contribution and the prospects should the MMDR funding bid not be successful. The response is as follows;

- HA believe inclusion in the wider solution (MMDR) better than bespoke measures for the app in isolation.
- off-site measures would likely have resulted in a situation where no single development would be able to proceed, or simply accept residual severe impacts.
- A contributions-based approach could result in shorter-term impacts prior to the delivery of mitigation measures, in accordance with LCC Cabinet's resolution in September 2015
- It is correct to identify that there could potentially be a shortfall in developer contributions towards the MMDR if the £8,653 per dwelling rate is applied to all sites throughout the Melton North Sustainable Neighbourhood;
- However The MMDR bid includes the northern section of the MMDR, and takes account of the £8,653 per-dwelling from developers
- Should the bid prove unsuccessful there will be further opportunities to obtain public funding and that the scheme will be very well placed to take advantage of these, given the strength of the case
- In the (highly unlikely) event that no public funding is secured specific segments of the road would be built in parallel with development parcels with specific trigger points as appropriate.
- this would still result in the northern section of MMDR being delivered, albeit over a longer period than if the Highway Authority does receive public funding.
- developers would be able to deliver 'their' sections of the distributor road at significantly lower cost
- The £8,653 per-dwelling figure is based on the strategic highway contribution agreed through the Leicester Road S106 Agreement. Given the above and the lack of substantive evidence to support an alternative per-dwelling figure in relation to this site, the CHA considers that this figure continues to form the most appropriate basis for the contribution.
- when additional evidence and more robust forecasts for growth and infrastructure requirements become available, please be assured that LCC will work together with MBC in reconsidering the contributions structure applied for future planning applications. However, until such time that evidence is available, we continue to advise that a contribution of £8,653 per dwelling is sought.

Cllr Glancy, Ward Councillor for Melton Newport Ward, was invited to make her announcement and stated that: As a ward Councillor representing the residents of Newport Ward I want the best possible development and the least impact for the whole town and borough. In some respects this development goes some way towards this objective with the improved design and layout including buffer zones

for the Country Park I have managed to negotiate although I would like to see a much wider buffer for the Country Park to align more with the Local Plan and a limit to NO 2 and half story or 3 story homes on this land, towering over the landscape surrounding the park. BUT we still have the problem of no decision on access into the Country Park and despite what the officer indicated at the site visit – no access has been agreed. Communities and Social Affairs Committee noted the request for access but have reserved the final decision until such time as a full ecological study of the Country Park has been undertaken Cllr Son Lumley will no doubt cover more on this later.

There is the major problem of the severe traffic impact on Thorpe Road/Saxby Rd, Norman Way/Scalford Rd and Norman Way/Wilton Rd junctions as identified by Highways in their comments dated March 2017 which I hope you have all read and further note that until such time as the Melton Mowbray Distributor Road is provided the impact of this development is considered to be severe the proposals being contrary to paragraph 14 of the NPPF the impact significantly and demonstrably outweighing the benefits. Highways suggest implementing SCOOT 3 system to coordinate the operation of the traffic signals at these junctions which will positively reduce the impact but acknowledges that the impact will not go below severe. As a borough Councillor I cannot bury my head in the sand and keep my fingers crossed that our bid for DfT funding is successful and everything will be OK, I would like to think it would be but in reality it is unknown. We cannot subject the town to intolerable traffic congestion which will deter new employers.

YES this land is in the Local Plan as part of the Northern SUE but we have projected the Sustainable Neighbourhoods to come on line late 5th year onwards and no doubt then we will have a clearer picture regarding the DfT funding by then. I wonder why Taylor Wimpey have gone it alone on this land at a time when the Local Plan is currently being examined.

I understand Mr Worley has sought further comments from Highways, which we have just heard. However this afternoon at the Local Plan Examination Andy Yeomanson from Highways responded when questioned about the MM Transport Strategy by a developer 'they could have taken a more rigid approach, there are still details regarding timing and trigger points to be worked out but thought it best to have contributions which may or may not be the best way forward – worrying.

I have concluded in order to avoid a mistake that we cannot rectify there are 3 possible solutions:-

- 1) refuse the application on the grounds of the severe impact on the safe and efficient operation of the highway network until such time as funding from DfT is confirmed for the MMDR or
- 2) defer this application on the grounds of seeking further confirmation of the DfT funding, after all we should know in about 12 weeks or so BUT
- 3) should you be mindful to approve I would ask you to include a review of the developer contribution in the Highways contribution condition should DfT funding not be forthcoming to enable a recalculation if necessary PLUS a condition to limit the development to 1 and 2 story homes due to the topography of the land

Can I also ask that officers liaise with the ward councillors regarding design and layout should this application be approved tonight.

Cllr Glancy left the meeting at 6.29pm.

The Chair noted a request to permit 3 objectors to speak regarding this application and asked if Members would consider suspending standing orders to allow this.

Cllr Chandler proposed to permit 3 objectors to speak and Cllr Wyatt seconded the proposal. A vote was taken and the Members voted unanimously to allow the proposal.

(b) Jane Wilson (The Friends of the Melton Country Park), on behalf of the objectors, was invited to speak and stated that: they support the need for new homes but object to this proposal in its current form. Concerns regarding:

- Ecology and wildlife. Protected species of birds.
- Adverse affect on biodiversity.
- Does not contribute to and enhance the area.
- 1200 park users signed the petition against.
- Size of buffer zones.
- Height of dwellings on raised ground. Will tower over the park.
- Will change from a country park to a town park.

A Member asked why yellow hammer birds at been declared as rare in the country park when they are a common bird.

Jane Wilson responded that it was due to data collected over 20 years regarding the country park.

A Member asked where the highest point of the country park is.

Jane Wilson responded that it is on the north eastern edge of the park.

(c) Craig Heaney (Thorpe Park Residents), on behalf of the objectors, was invited to speak and stated that: they had concerns due to:

- Increased traffic and poor accessibility.
- Severe impact on traffic.
- Reliant upon relief road so this decision is premature.
- Highway safety.
- Multi modal solutions are impractical for residents who travel outside of Melton for work.
- Poor transport links.
- Contravenes NPPF and should be refused.

(d) David Adams, on behalf of the objectors, was invited to speak and stated that: he had concerns due to:

- Road safety.
- Accident at pinch point in December 2017. This has not featured in the

report.

- Floods and proposed alleviation methods/ponds.
- Lack of access for emergency services.

(e) Roger Smith, agent for the applicant and Ellie Smith, the applicant, were invited to speak. Roger Smith stated that:

- The application dates back to 2014.
- Site identified as an urban extension.
- Officers report is comprehensive and well balanced and recommends approval subject to a section 106.
- Issue of traffic is key and the applicant has tried to address that with LCC highways.
- Revised the scheme to address concerns of local residents.
- Requirement to maintain linear open space.
- Pinch points confirmed by highways as adequate.
- Possible access to the country park in the southwestern corner.
- Section 106 to facilitate link to country park or improvements to the park.
- More ecological work to be undertaken.
- Taylor Wimpey will work with Cllrs and residents with regards to reserved matters.

Ellie Smith, the applicant, stated that:

- There are no outstanding technical objections.
- Will conclude section 106 as soon as possible.
- The development will come forward in a timely manner with a show home proposed for completion by September 2019.
- Sustainable neighbourhood.
- £1.7 million for highway improvements.
- £750,000 for transport links.
- There will be bungalows on site.
- Contributions towards Secondary education.
- Will generate 860 jobs including graduates and trainees.
- Subject to signing of the section 106 agreement.

A Member asked when the development would be completed.

Ellie Smith responded that it would be some where in the region of a 5 year timescale and proceeded to explain the first house should be in early 2019.

The Chair advised that The Head of Strategic Planning and Regulatory Services had indicated this as the norm.

(f) Cllr Lumley, Ward Councillor for Melton Newport Ward, was invited to speak and stated that:

- They want the best possible development with the least impact.
- There are outstanding fundamental issues that have not been resolved.
- Concerns regarding the additional access in to the country park which has not been resolved.

- Request for access to the full ecological study.
- Concerned with type of housing which has been earmarked. The gradient of the land and the proposed 2 and 3 storey houses would block views and sunlight.
- The land is unsuitable for town houses and they are short of bungalows.
- The buffer zone between country park and housing developments needs to be bigger.
- This shouldn't have a negative impact on current residents.
- Garages should be big enough for modern vehicles and there should be sufficient parking.
- Ongoing issue with NP4. Increasing problem with developers transferring land to council.
- Concerns regarding the maintenance of the buffer zones.

The Chair reminded Members of condition C item 3. There is to be a masterplan with limits to properties to be no greater than 2 storeys. Layout and planting will contribute to this. Would think the developers would be mindful of the height of the land. We could specify a different buffer zone should we desire.

The Head of Strategic Planning and Regulatory Services addressed concerns regarding buffer zones with regards to wildlife. Drainage will require a fully worked up scheme with conditions as this is an outline application. The proposed new access in to the country park is on MBC property so it is not guaranteed and may never happen. So it is suggested that the application is considered on the basis that this may not come to fruition. The delays with the application are due integrating the highways work with LCC's own data and analysis and the detailed highways analysis. Agreed with the Chairs comments regarding the masterplan.

The Chair advised Members that it would be pointless trying to condition that there is an access to the country park when the applicant does not own the land.

The Head of Strategic Planning and Regulatory Services added that the worst case scenario is that there won't be an access.

A Member expressed their concern over their lack of control of the proposed new access and the increased number of people trying to use the existing accesses.

A Member asked what the average density per head in the town is.

The Head of Strategic Planning and Regulatory Services responded that it is varied. Often urban locations are cited at 40 per hectare and 30 in villages.

Members raised concerns regarding the size of the proposed buffer zones and the maintenance of these.

The Head of Strategic Planning and Regulatory Services advised Members that the buffer zones will be part of the open space of the site, like a playground. The maintenance of them can be conditioned and MBC adoption is one option.

A Member noted that the new dwellings will be paying council tax and felt the council could take the maintenance on.

A Member asked how far it is from the east corner to Twinlakes park.

The Head of Strategic Planning and Regulatory Services responded that it is the approximate length of the field which adjoins the application site to the north.

Members discussed the corridors around the proposal and the boundaries and suggested that they could be made in to woodland instead of vacant space and become an asset rather than an open border.

Cllr Chandler proposed to permit the application. Houses have to be built and the distributor road will be coming. It is a suitable site and flooding issues will be addressed as the water will flow. There is not enough affordable housing but they are paying £1.7 million towards the road.

Cllr Wyatt seconded the proposal.

A Member asked if the proposer and seconder would consider adding a condition regarding the size of the buffer zones.

Cllr Chandler agreed as long as it was also conditioned who would maintain them.

Cllr Wyatt felt that the proposed buffer zones were adequate.

A Member suggested that a measurement should be agreed.

The Chair suggested that the buffer zones could be increased to 30 metres on the southern side and 50 metres on the western side. Details of the planting could be left to officers and involve the ward Cllrs and the friends of the country park, as per the recommendation. The buffer zones could be an extension of the country park.

Cllr Chandler, the proposer, agreed to the suggestions.

Cllr Wyatt, the seconder, noted that he was more inclined to 20 metres however he would accept the additions to the proposal to permit.

A Member wished to clarify what would happen to northern boundary.

The Chair responded that this is on to an open field. If it became housing in the future then that would be due to another application.

Members discussed if the size of the proposed buffer zone conditions was reasonable.

The Head of Strategic Planning and Regulatory Services advised that it is a matter of judgement but that he felt they are reasonable.

A Member raised a concern regarding policy H11 and the access to the country park.

The Head of Strategic Planning and Regulatory Services advised that an application of this scale will come back to Committee for reserved matters.

A Member raised concerns regarding pedestrian safety (condition 3) and asked if there could be a barrier at the pinch point to stop vehicles mounting the pavement, and if this could be added a condition by the proposer and seconder.

The Chair asked if this could be part of reserved matters or if it had to be conditioned at this stage.

The Head of Strategic Planning and Regulatory Services noted that if Members think it is essential to the success of the application then it should be done at this stage.

Cllr Chandler, the proposer, agreed to add this condition and also asked officers to ask highways to advise on any further safety measures that could be taken.

Cllr Wyatt, the seconder, agreed.

A Vote was taken. The Members present voted unanimously to permit.

Determination:

(i) PERMIT, subject to:

- **Completion of a s106 in the terms set out in the report**
- **The conditions as set out in the report, with condition 3 (i) and (ii) specified as 50m and 30m respectively;**
- **An additional condition requiring safety measures on the new footpath link at the point where it meets the existing footpath on Melton Spinney Rd, subject to agreement by the Highways Authority;**

(ii) the precise wording of conditions delegated to the Head of Strategic Planning and Regulatory Services in consultation with the Ward Members:
REASONS: The Borough is deficient in terms of housing delivery and this would be partly addressed by the application. Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. It is proposed at a level lower (10%) than that required to meet identified needs and specified in emerging policy, however it is justified in terms of a detailed Viability exercise and expectations conveyed by NPPG. This is directly associated with the contributions the development proposes to make to infrastructure, and to the MMDR, public transport and education capacity in particular. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. The site is considered to be a sustainable location having access to employment, services, public

transport etc. in Melton Mowbray town centre and some closer. Its sustainability could be enhanced further if a connection is made into the Country Park and provision has been made to facilitate this within the proposed s106. However, even without this it is considered to perform well, and compares favourably to most other development (existing and proposed). It is considered that there are material considerations that weigh in favour of the application.

There are also benefits arising from the proposed highways improvements and, significantly, the substantial contribution towards the MMDR and progress towards this key infrastructure. There is a strong prospect – though not a guarantee – that the MMDR could be in place prior to the development being completed. The application derives support from the emerging Local Plan owing to its adherence to their content.

It is considered that balanced against the positive elements are the site specific concerns raised in representations. There is a lengthy range of issues that require careful attention and many can be mitigated, or eliminated altogether, by conditions and the content of the s106 For example flooding and drainage, various transport measures, residential amenity issues etc. Though capable of mitigation, it is considered that the impact on the Country Park remains a harmful consequence which needs to be weighed against the benefits. Also, though again mitigated to a satisfactory level, the impact on highways conditions until such time as the MMTS solution is effective (if applicable)..

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and contribution to key infrastructure in particular.

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 permission can be granted.

Cllrs Holmes, Glancy and Posnett returned to the meeting at 7.38pm

PL76.3

17/001234/OUT

Applicant: Davidsons Developments Ltd

Location: Land off Sand Pit Lane, Long Clawson

Proposal: Residential development of up to 55 dwellings, together with new areas of public open space ,access, landscaping and drainage infrastructure

(a) The Head of Strategic Planning and Regulatory Services stated that:

This is a duplicate application to that considered on 4th December 2017.

- Issues are the same and representations very similar
- However one notable difference is the position of the LLFA who are seeking

additional information regarding the impact on the adjacent pond. This is a 'holding objection' but given more fundamental issues we believe it is acceptable to proceed without resolution.

- Finally the recommendation – and Members will not this is based only on the content of the NP so only fair to point out it does not replicate the Committee's full findings from 4th December – the heritage reason. This is recited in full on page 1 for reference

We have received a request to defer from the applicant:

Following the Committee's decision to refuse the original application at its meeting on the 4th December 2017, adding a heritage reason for refusal contrary to officer recommendation, we have been undertaking further work to review the specific concerns of Councillors and have been undertaking further work to deal with the concerns raised. It is our intention to submit this further work in relation to the second application. We are also looking to address the additional points raised by the Lead Local Flood Authority.

Given the above, we are concerned that for the Committee to make a decision on the application before it has had the opportunity to properly consider this additional information would be clearly premature and prejudicial to a proper and considered assessment of the proposals taking account of all relevant information.

Accordingly we would strongly urge you to defer consideration of the application until officers and members have had the opportunity to consider the additional information we will be submitting in due course. I would be grateful if you could consider whether, given the above, the item can be removed from the Agenda ahead of the meeting.

A response has been received from an objector:

- a. The Planning Committee strongly supported refusal of the first Sandpit Lane application both on heritage grounds and because it was contrary to the Clawson, Hose and Harby NP which carries significant weight.
- b. A good case was put on the heritage at the meeting on 4 December and indeed Heritage England has now reinforced its stance in the latest application in its letter of 20 November with particular reference to the Manor Farmhouse fishpond. How can the applicant consider that he can change History and provide additional information on heritage at this stage – they have had over two years to address this.

The Chair proposed deferral of the application.

Cllr Cumbers seconded the proposal.

A vote was taken. 5 Members voted for deferral and 5 Members voted against deferral. There was 1 abstention. The Chair had the casting vote and he voted in favour of deferral.

Determination: DEFER; to allow submission of the material referred to be the

applicant addressing impacts on heritage assets.

PL76.4

17/00397/OUT

Applicant: Mrs Sarah Grey

Location: Land Opposite 1 And 10, Station Lane Old Dalby

Proposal: Residential development of up to 72 dwellings (revised from 80 dwellings), associated infrastructure and landscaping

- (a) The Planning Officer (GBA) stated that: The following application relates to an outline application with access off Station Road, Old Dalby for up to 72 dwellings, revised for an initial 80 when originally submitted. Since the publication of the report last week, there have been no updates to report.
- On site visit there were queries relating to Pinks which were found to not be a hindrance to the proposal and there are no conditions on the operation of the business units at the industrial estate.
- The scheme presents increased housing supply in an area that is adjacent to employment opportunities and public transport links to opportunities nearby.
- It is also close to Old Dalby which presents an area with a primary school and forms a rural supporter status in the most recent research into areas in Melton for new housing.
- The site is also brownfield which is strongly recommended for development in the recent housing white paper and in national planning policy and guidance.
- The scheme is an allocated site within the Dalby neighbourhood plan which further carried weight to in the determination of the application.
- It is noted that the site does have land uses that are considered noisy environments. However the scheme has been required to put a fence to mitigate against the impacts of the development of noise along with a robust mitigation scheme that will need to be agreed as part of a subsequent reserved matters application.
- The railway test track has conditions on its use also which limits the activity on this during unsociable hours.
- Contamination remains to be monitored and cleared by way of a robust scheme which has been controlled by conditions.
- Finally, the development is to provide a large expanse of the development area to ecological improvements in the area.
- On balance the development is proposed to offer increased housing supply on brownfield land in a reasonably sustainable location.
- It is in conformity with the neighbourhood plan and offers ecological improvements with section 106 contributions towards education and other key facilities.
- As such weighing up all issues the scheme is recommended for approval as per the report.

- (b) Cllr Schmidt, on behalf of Broughton & Old Dalby Parish Council, was invited

to speak and stated that:

- We object to the number of proposed houses, it should be a smaller number.
- Should consider all of the emerging policies. Consider Policy H4
- Concerns regarding density and size.
- Should be more homes suitable for older people and the less mobile.
- Concerns regarding parking spaces. There should be a minimum of 2 parking spaces and more for larger properties.
- The play area should be in more central space and accessible for all .
- Applications submitted for section 106 but these haven't been considered in the report.
-

There was a discussion regarding the minimum and maximum number of houses.

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

- The harms outweigh the benefits.
- Main benefit would be to the housing supply target and to clean up the land.
- The housing level for Old Dalby has been exceeded by other permitted application over the last 18 months.
- Not sustainable
- Residents would be in close proximity to an operating industrial estate and rail test line.
- The proposed development is too large, too dense and too close to non residential operations.

Members asked Mr Proffitt if there was a shop and where the nearest Drs surgery is.

Mr Proffitt confirmed that there isn't a shop and that the nearest Drs surgery is Long Clawson which is over subscribed.

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

- It is a redevelopment of a contaminated brown field site.
- Already benefited from 15 dwellings on frontage.
- Density of 13 dwellings per hectare.
- Reduce vehicle speeds and protect pedestrian safety.
- The neighbourhood plan identifies this site .
- Preferable to further expansion into greenfields sites.
- Number of houses - at least 42 with no upper limit. Limit of 42 was recommend but without evidence.
- Policy H2.
- Matter of housing design will be dealt with in reserved matters.
- Excellent access to open space.

Members asked if there were sufficient parking spaces per property, if the parking spaces were adjacent or tandem and for clarification of the open space and the density of the dwellings.

Mr Wilkinson responded that it is an outline, indicative layout and that they were proposing 187 parking spaces for 72 units. It is normal to incorporate green spaces in calculations. 80% to be 2 and 3 bedroom houses. It is a development with many smaller houses than you would expect to see.

A Member asked where the play area would be.

Mr Wilkinson explained that there would be a formal area of play to the south and in the north there is a play area in the adjoining development. All houses have good access to the green areas.

A Member noted that there is a train track close to the play area and felt this would be a danger to children.

Mr Wilkinson responded that the boundary with railway line will have a 2 metre high acoustic fence, partly for safety and partly for noise.

A Member asked if the play areas are up to H11 standard and noted that they would like to see it surrounded by housing rather than a car park.

Mr Wilkinson responded that the car park is there to help for users of the play area but concerns can be addressed surrounding this.

The Planning Officer (GBA) noted that the examiner had recommended the minimum of 42 dwellings. The applicant will have to come back with full detail and will endeavour to achieve the best possible design.

A Member asked about the Deptford pinks.

The Planning Officer (GBA) responded that it hasn't arisen as an issue for the site and he understands are on adjacent land.

There was a discussion regarding if this site had been identified in the neighbourhood plan.

The Head of Strategic Planning and Regulatory Services advised that this site isn't in the local plan but that the proposal overlaps with an existing permission for housing which is at the front part.

A Member asked if the 15 dwellings which are already approved are in the totals referred to in the Neighbourhood Plan.

The Head of Strategic Planning and Regulatory Services believed they were.

Members raised concerns regarding the proximity next to an industrial operation and the lack of amenities in Old Dalby.

Cllr Holmes proposed to refuse the application due to lack of amenities, lack of school places, over intensification and concerns regarding safety due to the play area being near to a railway track.

Cllr Chandler seconded the proposal and emphasised her concerns regarding the proximity of an industrial estate.

The Planning Officer (GBA) responded that environmental health and reserved matters will draw out any issues regarding the industrial operations.

The Head of Strategic Planning and Regulatory Services noted that the relationship with the industrial area and railway had been subject to an assessment. It is an outline application with an indicative layout.

Mr Wilkinson said the applicant can make adjustments to address concerns.

The Neighbourhood Plan carries significant weight.

There were further discussions regarding the weight of the Neighbourhood Plan, the possible uplift in the number of houses built, separation distances, if the land could be used for any other purpose than dwellings and the capability of the site.

Cllr Holmes amended her proposal to state over intensification as the reason for refusal. She noted that she would like the applicant to consider moving the play area.

Cllr Chandler, the seconder, agreed to the amendment to the proposal.

A vote was taken. 2 Members voted for refusal and 9 Members voted against refusal.

Cllr Faulkner proposed to permit the application in line with officers recommendations.

Cllr Cumbers seconded the proposal and added that the agent will have taken note of Members concerns.

A vote was taken. 9 Members voted in favour to permit and 2 Members voted against. Cllr Chandler and Cllr Holmes asked that their votes against permit be recorded.

Determination: PERMIT, subject to:

- **Completion of a s106 in the terms set out in the report**
- **The conditions as set out in the report**

REASONS:

The application represents a vehicle for the delivery of housing of the

appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations of significant weight in favour of the application:-

A significant benefit is that this development is proposed on derelict land which according to the NPPF should be encouraged for new development. This development will enable remediation of this site and provide housing to the Melton Borough.

Further positive benefits of the scheme including a large area safeguarded for its ecological importance, surface water management in the form of a sustainable drainage along with significant developer contributions to mitigate impacts upon local services.

The impacts on potential occupiers have been fully considered in light of advice on noise and contamination. The noise impacts specifically have been deemed satisfactory and recognise that the Network Rail operated test track and nearby business have their own operational restrictions.

Following examination of the Broughton and Dalby Neighbourhood Plan, a modification has proposed that The Site at Station Lane should be allocated for housing if to proceed to referendum. This has been accepted by the PC as part of the Neighbourhood Plan and therefore carries significant weight to approving the site.

Though by no means “optimum”, the site is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate vicinity and the added benefit of a modest range of additional services in Neither Broughton and Long Clawson nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site adjacent to noisy environments and the impact on the character of the rural village with a detachment from the existing built form of the village.

The application derives support from the emerging Neighbourhood Plan owing to its strong adherence to its content. This is considered to weigh significantly in favour of the application.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a site close to potentially noisy environments – are considered to be of less environmental

harm than the impact to potential occupiers.

Further improvements through a Reserved Matters application will ensure that the details on design, layout and house type and associated work are achieved to a high standard.

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 permission should be granted.

PL76.5

17/00507/COU

Applicant: Mr Mike Timson

Location: The John Dory, 2 Rutland Square, Barkestone Le Vale

Proposal: Conversion of former public house/restaurant/living accommodation into two dwellings

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

Late Items

Committee members have been provided a copy of a time line produced by the BHG group and an email from the Applicant, both stating the current situation (as they see it) in relation to the offer on the property.

The applicant has stated the following:

Offer was received on 8th Jan, included 160k purchase price and an agreement of an overage clause of up to 100k.

Offer was accepted (and still acceptable) but insufficient proof of funding was provided.

After this the applicant requested a 10k non-refundable deposit, payable to solicitor to give confidence that funds were available.

Upon payment of deposit, applicant was happy to issue heads of terms and issue a 6 month exclusive option to buy and completed purchase. Also agreed to withdraw planning application on receipt of deposit.

This has now been withdrawn from BHG and replaced with a new offer, void of overage agreement, with no offer of non-refundable 10k deposit and no proof of funding. In addition to this, a lease option has also been on offer to the BHG.

Since the previous meeting, there has not been any further progress in relation to the sale or lease of the property. Whilst a sale price has been agreed, there is still an outstanding issue in relation to the proposed overage agreement. This is proposed to be of a monetary value of 100k, to be paid 6 months after the grant of permission for the change of use of the property (other than to use classes A1, A2, A3 and A4).

An ACV was placed on the property on 22nd January, and this can be considered as a material consideration, however it is for the Committee to determine the weight that they give this.

The property has been closed as a public house since October 2016 and for sale in March 2017.

(b) Cllr Steve Jackson, on behalf of Barkestone, Plungar & Redmile Parish

Council, was invited to speak and stated that:

- Residents want to build a better future and it is a strong community.
- The local hub group are trying to raise funds to buy it and residents are putting their own money in.
- On the market at an inflated price.
- Not a genuine attempt to sell as a pub.
- Any efforts to find an agreement have been batted away.
- The vacant building could fall in to disrepair.
- The houses are not needed.

A Member asked if they had had a full survey.

Cllr Jackson confirmed he didn't know the answer.

(c) Mr Steve Exwood (Barkestone Hub Group), on behalf of the objectors, was invited to speak and stated that:

- The group was formed 2 years ago.
- Want to create a sustainable hub using a well tested model.
- Community to buy the building. In a strong position and they can complete.
- Marketed at an inflated rate.
- We have offered to pay substantial deposit. Villagers will financially support.
- Community asset buildings.
- It is an isolated community.
-

Members asked if there would be a profit from this and also if there was going to be a village hall built as well. They understood that there was money towards a village hall in a trust fund.

Mr Exwood responded that they are not seeking to make a profit from this and that the hub would be different to a village hall as it would also be a shop and a pub. The trust has offered to lend us £95,000 toward this venture.

A Member noted that the trust fund was a charity and would be subject to charity law and asked if they had had a survey of the building.

Mr Exwood responded that there are three funding streams and they had offers in writing and that they only needed two of these to go ahead. Offers of investment from the people of the village, the Plunket fund and the trust fund. We've had a valuation of the property and two people have looked at the building for us.

A Member asked for groups expectations on completion.

Mr Exwood replied 4 months.

The Chair advised Members that Meetings are allocated 3 hours and they were approaching 9pm and that a vote would need to be taken to continue beyond this time. The Members present voted unanimously to continue to 9.30pm and then review again at this time.

(d) Matt Timpson, the applicant, was invited to speak and stated that:

- Trying to re-establish the use of a building that has no future.
- Need to deliver more housing.
- Loss of a community is valid but they need to save the building.
- £1¼ million being held for a building for the community.
- Withdrawn due to concerns regarding long term viability.
- Offered to lease the building. No proof of funding.
- Change of use permissions.
- Remove exposure to disrepair.
- 12 month marketing. Viability test document. Not viable as a pub.
- Limited foot print and parking.

There was a discussion regarding the marketing price.

(e) Cllr Rhodes, Ward Councillor for Long Clawson & Stathern, was invited to speak and stated that:

- There is a dispute over the value of the property and its suitability.
- There is a clear wish to have a community facility and this building is the only one available.
- 2 dwellings is over intensification.
- Treat this as a planning application and refuse it.

The Planning Officer (JL) noted that when marketed, lease hold offers were invited. The appeal was dismissed by the inspector as there was insufficient marketing and due to viability . With regards to car parking there is no highway objection. With the application for a conversion it would not significantly increase parking or vehicular movement.

A Member asked for the number of bedroom per dwelling and how many parking spaces.

Mr Timpson responded that one would be a 3 bedroomed cottage and the other a 2 bedroomed flat. There would be one parking space per dwelling.

A Member asked if the hub group would need to put in a change of use application.

The Planning Officer (JL) noted that the drawings show two 2 bed properties. It would become an asset of community value which removes permitted development rights so they would need a change of use application if it were to change from a pub.

Some Members raised concerns regarding parking for residents or visitors to a community hub.

Some Members felt that parking wouldn't be an issue if it were a community hub as local people would walk there.

A Member noted that due to the time the meeting shouldn't continue.

Cllr Posnett proposed to refuse the application due to over intensification and an unsustainable location.

Cllr Glancy seconded the proposal.

A vote was taken. 7 Members voted in favour of refusal and 1 Member voted against refusal. There were 2 abstentions. Cllr Cumbers asked for her vote against refusal to be recorded.

Cllr Holmes left the meeting at 9.22pm.

Cllr Baguley returned to the meeting at 9.22pm.

Determination: REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development is considered to represent the over development of the site. It is considered that the proposed development would be harmful to the character of the village. The proposal is considered contrary to Section 7 of the NPPF 'Requiring Good Design', Policies OS1 and BE1 of the Adopted Melton Local Plan 1999.

2. The proposed development would result in the loss of a valuable community facility for residents of Barkestone Le Vale, to the detriment of the life of the community, contrary to saved Policy CF4 of the Adopted Melton Local Plan 1999, Policy C7 of the draft Melton Local Plan (Submission version) and Paragraphs 28 and 70 of the National Planning Policy Framework.

3. In the opinion of the Local Planning Authority the proposal would, if approved, result in residential development in an unsustainable location. The development in an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Cllr Holmes returned to the meeting at 9.24pm

PL76.6	17/01107/FUL Applicant: Caister Castle Trust Location: Old School House, 2A Church Lane, Wymondham Proposal: Change of Use to form three dwellings including the demolition
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of the old canteen area

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

The following application relates to a full application for the change of use of and old school house to three dwellings involving the demolition of the canteen area marked store on the floor plans.

They will be 1 one bedroom property and two three bedroom properties.

This is a re-submission of a previous application reference 13/00574/FUL that was approved in October 2013.

Since the publication of the report last week, there has been an additional representation in support of the proposal from a member of Parochial Church Council of St Peter's Church.

They raise concern over the amount of vehicles park in the road which makes some manoeuvres difficult. It has been considered that the parking might be insufficient therefore for the dwellings proposed.

They are however in favour of the demolition of the buildings which are an eyesore and re-development of the site for private housing.

The scheme presents new dwellings in a sustainable village that will re-use a redundant building for two dwellings that meet local need.

They have been seen to suit highway access and parking standards.

It is noted that there is concern about the proximity of this development to the village hall bit it would still be able to function and is still subject to conforming to Environmental Health Guidelines. Any new development occupiers will also be aware of the nearby land uses.

It is considered to be speculative whether events would be held which in turn may generate complaints from new residents. This in turn would be the subject of further assessment under Environmental pollution legislation to determine if they are a statutory Nuisance based on volume , frequency and the nature of noise, and only could restrictions be imposed. There is further doubt as to whether any such restrictions would impact on the operation of the Village Hall and affect its bookings. It is therefore considered that, whilst the concern is recognised, there are so many 'variables' involved that it is far from 'sound', 'clear cut' or supported by firm evidence and as such would not form a legitimate reasons for refusal.

On the balance of all the issues therefore and that this represents a re-submission of a previous scheme it is recommended for approval as per the report.

(b) Matthew Williams, on behalf of Wymondham & Edmondthorpe Parish Council, was invited to speak and stated that: they have concerns regarding

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- T1 cumulative impact on traffic flows.

- Inadequate parking.
- Building design.
- Should minimise impact on general amenity.
- Exit on to a narrow cul de sac. No off road parking.
- Density – existing building just matches the footprint.
- Contravenes neighbourhood plan.
- Noise measures.

The Chair announced that it was 9.30pm and time to review whether Members wished to continue. He proposed to proceed to finish the agenda. A vote was taken and 7 Members voted to continue.

Cllr Baguley noted she would abstain from the vote and raised concerns regarding Members and Officers continuing.

Cllr Cumbers and Cllr Chandler also raised concerns.

(c) Jenny Weston (Wymondham Village Hall Committee), on behalf of the objectors, was invited to speak and stated that:

- Concerns with proximity of properties to village hall.
- Potential for noise complaints, hall used regularly including in the evening.
- understand proposed changes to national policy re noise from existing uses.
- Only village hall in Wymondham for these types of events.
- Noise complaints could have impact on viability.
- Concerns of parking – 2 spaces per dwelling proposed, could be more vehicles. 7 vehicles belonging to existing Church Lane residents. More when services at Church or village hall.
- Highway safety concerns. Lane is narrow – concerns over access.
- 3 dwellings are too many, 2 more than adequate.

A Member asked if there had been any noise complaints previously.

Jenny Watson responded that there had not.

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

- 3 new homes, conversion of old school house, identified in local plan as sustainable.
- Would support local facilities.
- 2013 permission granted. Resubmission of previous proposal.
- Attractive, high quality development.
- Character, scale, massing and density considered.
- Bolster underutilised dwelling and provide different size dwellings.
- No technical reasons for refusal or objections.
- Parking – revised from original version. County Highways satisfied with scheme now.
- Consistently outlined willingness to submit noise assessment, willing to

accept a condition relating to this.

(e) Cllr Malise Graham, Ward Cllr for Wymondham, was invited to speak and stated that:

- Village hall is the hub of the village and much used.
- Would like officers to take up the applicants willingness to take up noise testing.
- Church Lane incredibly narrow and the cul de sac has minimum turning points.
- Insufficient parking for 3 dwellings.
- Would welcome the committee to consider limiting to 2 dwellings.
-

A Member asked what the neighbourhood plans requirements were for number of parking spaces per dwelling.

Cllr Graham replied that the neighbourhood plan has a minimum requirement for 2 parking spaces per dwelling.

A Member expressed concerns regarding access for emergency vehicles and asked if there have been problems before.

Cllr Graham responded that he is not a resident but can foresee problems. It is hard to get to the village hall and turn around after. Larger vehicles would have problems.

The Planning Officer (GBA) advised that the parking was to highway standards. Mitigation - a condition is imposed regarding noise. The village hall does have restrictions on hours.

A Member raised concerns regarding possible noise complaints.

The Chair responded that it is feasible that people would complain, however there is a process and there are already some restrictions regarding noise and times.

The Head of Strategic Planning and Regulatory Services confirmed that it is a possibility but is a concern for officers as reasons for refusal need to be based on demonstrable grounds and his scenario contains a series of unpredictable variables.

Cllr chandler proposed to permit the application but wanted to see mitigation in conditions that new properties have treble glazing.

Cllr Wyatt seconded the proposal.

A Member expressed concerns that it is over intensification of the site. The original permission has lapsed and we should go back to square one.

A Member expressed concerns regarding parking spaces and Condition no 9

regarding noise and asked if it could be assessed.

The Head of Strategic Planning and Regulatory Services noted that the noise check could be undertaken by environmental health.

Members expressed further concerns regarding parking and the length of time lapsed since planning permission was given.

Cllr Chandler withdrew her proposal to permit.

Cllr Wyatt proposed to permit the application and **Cllr Greenow seconded** the proposal.

A vote was taken. 4 Members voted in favour to permit and 6 Members voted against. There was 1 abstention.

Cllr Holmes proposed to refuse the application due to it being a narrow road, the highway dangers, insufficient parking and over intensification of the site.

Cllr Faulkner seconded the proposal and added that it also goes against neighbourhood plan.

A vote was taken. 6 Members voted in favour of refusal and 2 Members voted against. There were 3 abstentions.

Determination: REFUSE, for the following reasons:

The proposed development by virtue of the overdeveloped nature of the proposal fails to provide a sufficient amount of private parking for the number of dwellings proposed and this therefore would be likely encourage the parking of vehicles on the public highway which already experiences a high level of on-street parking, and would be a source of severe danger and inconvenience to other users of the highway. This is contrary to Policy H7 of the Wymondham and Edmondthorpe Neighbourhood Plan adopted in (November 2017)

Cllr Holmes left the meeting at 10pm and did not return.

PL76.7

17/01375/FUL

Applicant: Ms Charlotte Burrows

Location: 9 Station Road, Bottesford

Proposal: Erection of one 1.5 storey 3-bedroom dwelling house

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

The has been one late representation in support of the application has been received – village needs property of this quality and would rather see this sort of development than any large housing proposal.

The application seeks permission to construct a 1 ½ storey property with three bedrooms. The proposal would provide off street parking for two cars. There is currently an application for the proposed remodelling and minor extension to the existing property at no 9, which has yet to be determined. The application site is not within a conservation area and is in flood zone 1

Cllr Chandler proposed to permit the application as it fits in to all policies. However she commented that she has concerns regarding the size of the property, the lack of bus service, the foot path, parking and manoeuvring on to Station Road. Received complaints regarding the amount of traffic.

The Chair asked if there was deemed to be a turning area for the parking. The Planning Officer (JL) responded that there wasn't.

Cllr Wyatt seconded the proposal.

A Member raised concerns regarding the lack of parking for an application for a bungalow.

The Chair reminded Members that is a separate application to come before the Committee which may or may not meet their requirements but they can't pre-empt what may come.

The Planning Officer (JL) advised that the bungalow is an application to the north which is due for decision. There is a garage for the proposed property but that is not where this dwelling is located.

The Chair asked if it could be brought to committee.

A Member commented that they had not received anything regarding the pending application.

A vote was taken by Members still present and was unanimous.

Determination: PERMIT, subject to the conditions set out in the report

REASON: The site lies within Bottesford and close to the train station and has a regular bus service. Although the proposed design of the dwelling is modern, there is no strong character to the dwellings along Station Road. The proposed materials (white render and slate tiles) are considered acceptable for this design and location, these materials are seen on other nearby properties. Taking into account the height of the dwelling compared to neighbouring properties and the lack of first floor windows to the rear, is not considered that the proposed dwelling would have an impact on the amenity of neighbouring occupiers harmful to such a degree to warrant the refusal of the application. Therefore it is considered that the proposed development benefits from a presumption in favour of sustainable development under the Saved Local Plan Policies and the NPPF.

Applicant: Mr G Dawkins

Location: Beeby's Yard, Burton Street, Melton Mowbray

Proposal: Conversion of existing buildings to form 7 one and two bed terraced houses and erection 4 two bedroom terraced dwellings

(a) The Applications and Advice Manager (LP) stated that: There are updates to the report, firstly the revised developer contributions have been received from the County Council, no request has been made towards civic amenity or libraries, however a secondary school contribution of £29,853.20 is now required should permission be granted, therefore if members are minded to approve the application there would need to be a condition requesting the monies through the agreement of a Section 106 obligation.

Secondly, additional details have been sought from the agent following member's questions at committee briefing, and the agent has confirmed that the gables could be Granite set, should members approve the proposal.

The application seeks permission for the conversion of the existing buildings to form 7 x one and two bed terraced houses and the erection of 4 x two bedroom terraced dwellings, forming a total of 11 dwellings.

The site is considered to be a brownfield site with a presumption in favour of development, with Melton Town Centre being considered a sustainable location for new housing development.

The proposal does sit within the Conservation area of Melton and many of the buildings contribute significantly to the character and appearance of the conservation area.

As such the application is recommended for approval as set out in the report.

A Member asked if it is a conservation area and it was confirmed that it is.

A Member asked if the cobbles would be made of granite and if not would like it conditioned that they are.

A Member disagreed and felt that cobbles are awful for walking on and difficult for wheelchairs and prams to navigate. If cobbles have to be incorporated then recovered ones could be used decoratively. Also concerns regarding the narrow entrance.

A Member raised concerns regarding access for the fire service and asked if they had been consulted.

The Applications and Advice Manager (LP) confirmed that the fire service is not a statutory consultee and not been contacted.

The Head of Strategic Planning and Regulatory Services commented that this is overcome by the length of hoses.

Cllr Greenow proposed to permit the application subject to a condition regarding granite cobbles and provision for a section 106 for secondary school contributions.

Cllr Botterill seconded the proposal.

A Member raised concerns regarding the access point, over intensification of the site and lack of parking spaces.

The Head of Strategic Planning and Regulatory Services advised that there is no requirement for parking spaces due to its location in a town centre but 19 spaces had been provided.

A Member noted that there needs to be a proper flat footpath access as well as the cobbles.

Cllr Greenow, the proposer, agreed to amend his condition regarding cobbles to also include a suitable pedestrian access.

Cllr Botterill, the seconder, agreed.

A vote was taken. 8 Members voted to permit and 2 Members voted against.

Determination: PERMIT, subject to:

(i) The completion of a s106 agreement securing a secondary school contribution of £29,853.20

(ii) Conditions, as set out in the report

(iii) an additional condition requiring the submission of access details to include granite cobbles and a pedestrian access

Cllr Posnett left the meeting at 10.20pm due to her declaration of interest.

PL76.9

17/01019/FUL

Applicant: Mr Nigel Gates

Location: Gates Nurseries And Garden Centre, Somerby Road, Cold Overton

Proposal: Proposed Retail Unit with Offices above

(a) The Applications and Advice Manager (LP) stated that: There are updates to the report, since the report has been published, two additional comments have been received one letter supporting the application, stating that a real farm shop within working distance of the many elderly residents in Cold Overton will be a big positive. The ability to source bread, milk and local produce without having to drive to Oakham will be significant for many residents. Whilst I am aware of the beeping referred to by others, this is the same for every other delivery van and oil tanker that service the houses in the village and operations cease at around 5.30pm daily. In addition a further objection has been received stating that the proposal will

increase traffic leading to erosion of the local tranquillity and posing a risk to young children living at the property, increased fork lift truck activity with intrusive noise which is present from 7:30am to 7pm the extension will result in more noise which prevents using the garden on weekends to its intrusive nature. Also the two storey building will affect the view from the back of the house by projecting above the natural horizon and will be overlooking the back of the house. Flood lights are often left on around the property this has two effects of causing light pollution at night but also affects night time driving by mimicking on-coming car headlights and affecting visibility due to "dazzle" effect. The new property will presumably also have floodlights. These factors will affect the natural beauty of the area, increase the risk to pedestrian traffic and reduce the value of properties.

Both of these letters raise points that have been addressed within the committee report.

The agent has also contacted me with regards to condition 7 of the report stating that the condition would undermine the viability of the shop because there will be a lack of variety of products available within the arbitrary catchment imposed. As stated in the application documents, it is the intention of the applicant to sell locally sourced meat, food and drink products, but he has to look beyond a 25 mile radius to obtain the range of products necessary to satisfy his customer demands. Furthermore the applicant requires the ability to change the stock in response to changing markets. Continually seeking written agreement on updated produce lists to sell is not a reasonable or viable option.

Should members resolve to approve the application they should consider the existing wording of condition 7 and amend should they wish.

That is the end of the updates.

The application seeks permission for the introduction of a new retail unit with offices above, the ground floor would be used for the retailing of locally sourced meats, food products and drinks, the first floor would be used for office accommodation of new administrative staff.

The proposal is considered to represent a departure from the local plan policies in that it cannot be described as small scale however supporting economic growth is in accordance with national planning policy (NPPF) and not other material considerations indicate it should depart from this.

As such the application is recommended for approval as set out in the report

(b) Cllr Richard Bates, on behalf of Knossington & Cold Overton Parish Council, was invited to speak and stated that: he had concerns regarding the following –

- Adequate screening
- Closure of the former exit gateway
- Measures undertaken to not increase the noise of forklifts as forklift truck noise is not a new issue. Since first raised with MBC in 2011, there has been a major expansion.
- Depends on location of houses and what barrier they have. Neighbour who is protected by the church wall is not affected.
- Noise can be heard as far away as Knossington when carried on the wind.
- Request forklift truck use be restricted to week days only and only until 12pm.

A Member asked for clarification regarding the mentioned gateway.

Cllr Bates responded that it was the previous gateway but has now superseded. It was part of a previous approval.

A Member noted that it is the law for forklift to have a warning noise on them for health and safety reasons.

Cllr Bates responded that the noise penetrates through the church walls and that use should be restricted.

(c) Mrs Aruna Garcea, on behalf of the objectors, was invited to speak and stated that:

- Lives directly opposite the nursery.
- Whole of our back garden will be facing the development. Only 2 or 3 car lengths away.
- Loss of privacy.
- Noise affects how we use our garden and it can also be difficult in the kitchen.
- Unable to work from home due to noise.
- Noise starts from 7.30am in the morning.
- Also can hear business traffic, such as JCB's turning.
- Concerned there will be increased traffic due to deliveries of perishable goods.
- Impacting on our ability to use our house and ability to work from home.

A Member asked if they had approached Gates directly.

Mrs Garcea responded that they had not contacted them directly but had been trying to collate objective data and had tried to record the noise. We were hoping things would change.

(d) Mr J Smith, on behalf of the supporters, was invited to speak and stated that:

- Resident of Cold Overton for 4 years. Almost as close to Gates as previous speaker.
- Gates is our only village amenity.
- Gates are supportive of the village fete.
- Addition of a retail store selling food products would be ideal.
- Doubt traffic increase will be enough to cause problems as people will most likely be visiting anyway.
- Admit there is a noise issue but the proposal will create a large physical structure and is likely to obstruct the noise more.

A Member noted that a bund could help reduce noise.

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

- The proposal benefits the village and wider borough.

- Popular rural business, employing over 100 people.
- Important contribution to local rural economy.
- Attraction for local people and visitors.
- No significant adverse impacts on the village. The benefits outweigh the harm.
- Improved office space on the first floor of the building.
- Greater economic benefits - Increase in business efficiency. Enhance security of jobs and create 9 new jobs.
- Outlet for local farmers and food/drink producers.
- Proposing to close the existing exit road.
- Environmental benefits - Evergreen landscaping and heavy tree/shrub screen.
- Existing site contours and degree of cut will allow building floor level to be below carriageway, ridge will be below existing building next to proposal.
- No objections from consultees or highways.
- In accordance with policy regarding economic development to ensure viability of existing rural businesses.

A Member asked why the existing exit had not been closed off when it is a condition of an existing approval.

Mr Fairhurst responded that it had not been completed because the programme of doing so would not align with other permissions allowed. It is firmly within the applicants intentions and they will accept a condition to ensure it is done early.

A Member asked if the applicants were aware of the residents noise concerns.

Mr Fairhurst responded that it could be looked in to. Siting of the building has been considered but would be difficult to change. Due to its position it will act as a barrier to noise. The noise had been investigated by an environmental health officer, who at the time felt that the noise impact was not a statutory nuisance and did not recommend any further action. Environmental health could look at it again. Concerns will be taken back to the applicant and they will do all they can to rectify the issues.

Members asked for the figures regarding increased vehicle movements and deliveries.

Mr Fairhurst was unable to provide exact figures but confirmed that there would be no deliveries through the night.

A Member asked if the applicant would be looking to remove condition 7 should Members decide to permit.

Mr Fairhurst confirmed they would prefer complete removal but would consider an alternative.

(f) Cllr Higgins, Ward Councillor for Somerby, was invited to speak and stated that: Cllr Higgins was unable to attend the meeting but had asked the Chair to read out the following statement:

Gates' Garden Centre is the largest employer in the Somerby Ward and a significant employer and retailer within the Borough. The business currently employs over 114 people, being 71 Full Time Equivalent staff and has a payroll of nearly £1.4m. This application I feel speaks for itself but I do have a concern over condition seven which I would like you to consider very carefully of putting any overbearing conditions on the business as it needs to be proportionate. I have not been advised why such condition is warranted and I request the officer provide this guidance, and any necessary amendment to that condition which may be seen fit, to you tonight.

I have not been made aware or noticed any overspill of customer cars parked on the highway as the current car park seems to accommodate the level of customer adequately.

While, to date, there are two objections to the application who raise concerns of the expansion of the business and excessive noise I feel the officer report provides reasonable guidance, however I will impress on the business those concerns to ensure they are aware of them and, if necessary, take appropriate action. You should consider their concerns, within the planning balance, in your deliberations but that of also the supporting voice for the application from within the village.

*There is also some level of passive support for the business namely due to the number of Ward residents who use the garden centre with its many offerings and there are a good level of Ward residents who are employed by Gates' currently and in the past. There are policies which are there to encourage the growth of rural enterprises and with the Government looking to hand Councils the retention of business rates we should be ensuring support for our local businesses as Government policy is encouraging us to do. While strictly Business Rate Retention is **not** a Planning reason, there are **significant** planning reasons to permit the application due to the economic benefits this scheme is intending to bring to the area.*

Cllr Chandler proposed to permit the application with the condition that all food produce was to be UK produced.

Cllr Botterill seconded the proposal.

A Member suggested that the produce emphasis should be local, then regional and then UK but felt that other countries produce should be allowed.

Another Member agreed with the need to support the British farmers but felt that 20% from anywhere else to allow for more exotic things would be more reasonable.

Cllr Chandler did not wish to amend her proposal.

A Member raised concerns regarding the exit and suggested that this be conditioned.

It was confirmed that this will be dealt with by enforcement.

A Member noted that the applicant could apply for a variation of condition at any time.

A vote was taken. 7 Members voted in favour to permit and 2 Members voted against.

Determination: PERMIT, subject to:

(ii) Conditions, as set out in the report

(iii) the variation of condition 7 that all goods displayed for sale must be of UK origin.

REASON: The proposal is considered to represent a departure from the local plan policies in that it cannot be described as ‘small scale’ however supporting economic growth is in accordance with national planning policy (NPPF) and no other material considerations indicate it should depart from this.

As stated within the recently submitted new Melton Local Plan, Melton Mowbray is England’s “Rural Capital of Food” and whilst Melton’s food and drink specialism provides bespoke opportunities and a degree of local resilience, the proposed retail unit would at ground floor be used for the retailing of locally sourced meats, food products and drinks.

In conclusion it is considered that, on balance of the issues, there are therefore significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy. Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits. Taking into account the proposed retail and office unit would be an expansion to the existing business and provided income to support and increase the sale of locally sourced products, it is considered that permission should be approved.

PL77	Urgent Business None
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The meeting closed at: 11.04 pm

Chair