

Minutes

Meeting name	Planning Committee
Date	Thursday, 24 May 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. Cumbers
P. Faulkner	T. Greenow
E. Holmes	B. Rhodes
L. Higgins (Substitute)	

Observers

Officers

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

Minute No.	Minute
PL1	<p>Apologies for Absence Cllr Bains sent his apologies. Cllr Higgins filled in as a substitute for Cllr Glancy.</p>
PL2	<p>Minutes Minutes of the meeting held on 26.04.2018.</p> <p>Approval of the minutes was proposed by Cllr Baguley and seconded by Cllr Holmes.</p> <p>8 Members supported the proposal.</p> <p>Only 8 Members present attended the previous Committee meeting and it was unanimously agreed that the Chair sign them as a true record.</p>
PL3	<p>Declarations of Interest Cllr Rhodes declared a personal interest as County Councillor in any application that is relevant to the County Council.</p> <p>Cllr Posnett declared a personal interest as County Councillor in any application that is relevant to the County Council.</p> <p>The Chair clarified that 3 objectors would not all be allowed to speak on application 17/01577/OUT, but that two objectors would be allowed to speak. Mrs Ablewhite will speak as an objector to the application and Ian Sparrow has been requested to speak by the Parish Council.</p>
PL4	<p>Schedule of Applications</p>
PL4.1	<p>16/00740/OUT Applicant: Ms Siobhan Noble Location: Land at Water Lane, Water Lane, Frisby on the Wreake Proposal: Outline application for residential development of up to 22 dwellings (amended application).</p> <p>Assistant Director of Strategic Planning and Regulatory Services stated that there had been updates to the report and stated that:</p> <p>LLFA have been reconsulted on the technical assessment submitted by Dr Warwick They have reiterated their advice and commented that “it is the responsibility of the LPA to assess the suitability of a site for development, applying a sequential based approach where appropriate. As such, the County Council’s previous position stands albeit with minor rewording to the 4th condition suggested, noting that this advice is only valid where the LPA deem the site to be</p>

suitable for development” The amended wording relates to ground water monitoring to inform the design of drainage and protection.

4 further objections have been received since publishing the report, from 1 nearby resident:

1. There appear to be no benefits to the existing community to be provided by the Application.
2. The Application is in conflict with numerous policies of the NP

Policy H5 Housing Mix: Priority should be given to dwellings with 3-bedrooms or fewer.

The suggested housing mix is 50% 3-bed and 50% 4-bedroom houses. This does not help Frisby’s need for smaller houses. This could be satisfied by adding a condition to provide fewer homes of more than 3-bedrooms, and replacing them with some 2-bedroom dwellings and bungalows into the housing mix.

Policy ENV5: Biodiversity

Frisby on the Wreake Neighbourhood Plan refers to Natural England’s Impact Risk Zones (IRZs), wildlife corridors and MLP Strategic Green Infrastructure policies in which the Wreake Valley is a top Priority.

This affects the Water Lane site as the extant Planning Application describes how surface water would be collected and discharged to a ditch on the edge of the woodland. The ditch feeds into the SSSI. The IRZ indicates that no discharges are acceptable at this location. This also affects MLP Policy EN3. The River Wreake Strategic River Corridor as a Priority Green Infrastructure Enhancement Area

The Rivers Eye and Wreake corridor is an integral element of the wider 6Cs GI network (sub-regional corridor). It contributes to the Borough’s and sub region’s biodiversity resource and has the potential to provide access to nature for the communities of the Borough, specifically those in the east of Melton Mowbray, which currently has limited provision for this....

The River Wreake as the continuation of the River Eye is part of the ‘Sub Regional Green Infrastructure Corridors’ within the 6Cs area. Feeding into the Soar and eventually the Trent, it is vital that its water quality is kept at a high level. In addition to its ecological network function the Wreake corridor has the potential to become a major recreational resource for the Borough. Along the river, away from public access needs the vegetation should be left to form a buffer along which wildlife can move. The streams and field drains that feed into the Wreake should also be protected from farm stock and buffered from other land-uses

The Water Lane site is entirely within this area.

Policy ENV2 and ENV6 – Protection of other sites (historical) and Loss of Non-designated Heritage Assets: the site is included in the fields containing Ridge and Furrow and also in the HER for other archaeology.

Policy ENV7 – Important Views: Unless one has tunnel vision, development of the

site will adversely affect Views e) west towards Hoby from Water Lane and f) east towards village edge from the Leicestershire Round.

Policy ENV9 – Sustainability: The 128 bus service is known to be listed for radical reduction in frequency from its current 2-hourly service or even axed altogether. This service will at least reduce and the site has no public transport classified as a sustainable transport alternative under the 6Cs (the more frequent service is not within the 800m walking distance, and is, in fact 1250m).

CAENV1 – Other important space

The verge on Water Lane/the approach to the village will be badly affected, as will a significant part of the flood plain.

CAENV6 – Flood mitigation

It is public opinion that the measures being proposed to alleviate surface water and groundwater flooding on this site will worsen problems for existing housing and will be detrimental natural ability of the extensive washland to alleviate flooding in Frisby.

3. The site is in conflict with several policies in the incoming MLP

Policy EN1 – Landscape. Protection of landscape, important views, approaches and settings.

MLP Policy EN2 – Biodiversity and Geodiversity.

Water Lane site produces risk of adverse effects on the Frisby March SSSI. (See below).

MLP Policy EN3 – The Melton Green Infrastructure Network

Water Lane site is in potential conflict with this policy as the site is within the primary green infrastructure area of the River Wreake and River Eye strategic corridor (see discussion and Figure 2 below).

MLP Policy EN6 – Settlement Character

Residents agree that the Water Lane site is in conflict with this policy as it is on the settlement edge/approach, and is adjacent to the Conservation Area where new housing will not be in keeping with low density housing in the area and features such as stone plinth and brick construction typical in the Conservation Area.

MLP Policy EN11 – Minimising the Risk of Flooding

MBC should also be considering all of the alternative sources mentioned in that paragraph. Water Lane site is in conflict with this policy regarding surface water flood risk. It is additionally affected by risk of flooding from reservoir breach and groundwater (the site is in hydraulic continuity with the river – LLFA comment and demonstrated by monitoring river level and water depth in a well on Water Lane).

- Please put a condition on this site that some 2-bed and bungalows must be included in the mix.
- The case officer's report states that the "housing mix contains over 50% smaller housing types and bungalows". This is misleading, as the housing mix clearly states that only three and four-bedroomed houses are planned. No two-bedroomed houses and no bungalows. Frisby already has plenty of four-bed houses and will soon be getting more on the other sites in the village.
- The school catchment area now includes approx. 180 houses being built on the edge of Melton and 70 houses permitted at Brooksby. These will add an extra 60 children to the school before even including 99 new houses are already permitted in Frisby. I remind you that the school building is not going to be expanded - these extra children will be accommodated in the library!
- The submitted Local Plan described this site as having too great an impact on the character of the settlement edge and projecting too far into the countryside.

Key issues

- The site is an allocated site in the NP. It matches the site exactly (see slides)
- The NP is not the Development Plan and MUST be followed unless material considerations indicate otherwise.
- Allocation is considered to override the other policies of the NP – a development plan of any kind cannot allocate a site then rule it out with other policies.
- This status also affect the flood risk issues – para 14 of NPPF states a sequential test is not needed if a site is allocated in a development plan
- House types are not specified so comments re mix not applicable – condition necessary see condition 3 recommended
- Access is to a large extent defined by the shape of the site – it only meets the public highway at one place so clearly the NP envisaged it to be as proposed or very similar, as there is no alternative
- NPPF Para 104: For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test.

Cllr Ron Thew, on behalf of the Parish Council, was invited to speak, and stated that:

- Parish Council object to this site, despite it being in their Neighbourhood Plan,
- Access is too close to the railway.
- Network Rail advise that any entrance should be 150m from a level crossing
- This site access is only 34m from crossing.
- Queues to access the site will block the crossing and cause an accident
- Network Rail have a lot of concerns and request further mitigation
- Safety of residents must be a priority and this site access with the level

crossing is unsafe.

A Cllr questioned if Network Rail were consulted on the Neighbourhood Plan, which allocated this site.

Dr Thew responded that Network Rail were consulted on the Neighbourhood Plan, but they replied that Network Rail are only to give advice and cannot make planning decisions.

A Cllr asked if the site entrance can be moved any further back from the crossing.

Dr Thew responded that the maximum distance from the crossing with the satisfactory visibility splays is 40m.

A Cllr asked if there had been considerations for a recessed entrance.

Dr Thew answered that it is not his responsibility to make the application better.

Councillors sought clarification on some of the pictures shown in the presentation.

A Cllr asked if this route is normally a rat run and if the crossing is normally busy.

Dr Thew answered that the crossing is very busy and will only become more dangerous with more housing and more traffic.

A Cllr asked why the site is allocated in the Neighbourhood Plan is the maximum entrance distance can only be 55m from the crossing.

Dr Thew answered that the village has accepted the Neighbourhood Plan, but were unable to persuade the Examiner at the Neighbourhood Plan examination that this site should not be allocated, and the Examiner referred to the advice of the technical consultees, so the site is allocated.

Mr Warwick, an objector, was invited to speak, and stated that:

- Has 30 years experience working in Flooding and Land water specification and Groundwater analysis.
- The Flood Risk Assessment on this site is flawed.
- My Report needs to be addressed by the applicant and the LLFA.
- There needs to be a sequential test on this site.
- This site is in a Zone 1 Flood Risk.
- Technical comments and objections from residents have been ignored.
- There needs to be 2 meters to groundwater for new developments, but this site has only 0.7 meters.
- The SUDS scheme with this application will become flooded and submerged.
- Frisby village regularly floods.
- My report must be addressed before the application goes any further.

A Cllr queried whether his report covered the whole field or just the application site.

Mr Warwick replied that his report covered both the whole field and the application site.

A Cllr asked how much has this site flooded this winter, as it has been a very wet winter.

Mr Warwick answered that he didn't know as he does not have access to the site, but this site is in Flood Zone 1, so is very susceptible to flooding and it is common on site.

A Cllr asked if Mr Warwick had seen that a recent similar site in Somerby had been approved on appeal.

Mr Warwick answered that he had not seen that recent appeal decision.

A Cllr queried if the village has flooded since 2012, which is when the photos in the presentation are dated.

Mr Warwick answered that the village has flooded 3 times in the 10 years that he has lived there.

A Cllr asked how Mr Warwick has conducted his investigation and research without access to the site.

Mr Warwick replied that a nearby house has a well, from which ground water level can be measured, and can be compared with the river level on the other side of the site, and then the data can be extrapolated to find the ground water level on the site. This is because the groundwater level on the site is connected to the level of the river and the level of the well, so can be monitored without access to the site.

A Cllr sought clarification on some of the photos shown in the presentation.

Mr Warwick answered that when he conducted his research that river was at a typical level and not in flood, so will get worse when the river is in flood.

A Cllr asked what mitigation would be necessary to make this site suitable.

Mr Warwick answered that this site should never be permitted, so no level of mitigation will make the site acceptable.

Councillors had no further questions for Mr Warwick.

Peter Wilkinson, the Agent, was invited to speak, and stated that:

- This scheme has been an application for a very long time, and has been through a lot of refinement and changed a lot to now be at the optimum that it can be.
- Frisby Neighbourhood Plan recently passed referendum with a 93% Yes Vote, and it is an allocated site.
- It is allocated in both the Neighbourhood Plan and the Melton Local Plan.
- It is currently within the 5 Year Housing Land Supply.
- This application has been considered by all statutory consultees at least twice, and has been to the LLFA four times.
- This site has not flooded in the 18 months that this application has been submitted.
- Councillors should agree with the Officers recommendation and vote to approve the application.

Councillors had no questions for Mr Wilkinson.

Cllr de Burle was invited to speak, on behalf of Cllr Hutchinson, the Ward Councillor, and stated that:

- Proud of Neighbourhood Plan and passed with 93% Yes Vote.
 - Neighbourhood Plan was changed drastically at Examination, so this allocation is now contrary to lots of other policies within the same plan.
- Frisby is a small community with few facilities.
- Neighbourhood Plan sites allocated for 78 dwellings and 99 already have permission within the village.
- This site is not needed; Frisby already has its share of housing permissions.
- Safety is a big issue on this site.
- The village is growing too rapidly; new people may not be able to integrate to the community if the village is growing too rapidly.
- Lots of other permissions granted very close to Frisby, such as in Asfordby and in Brooksby, which will cause a big cumulative effect on the entire area.
- Lots of potential traffic increase within the village.
- Houses should be built in Melton and not in the surrounding villages.
- These 22 houses are not needed in the village.

A Cllr stated that the Hoby Road site in Asfordby was recently granted for 70 dwellings on appeal.

A Cllr queried if there was a lot of standing water locally over the winter.

Cllr de Burle replied that there was a lot of standing water on the surrounding roads.

Assistant Director of Strategic Planning and Regulatory Services (JW) responded:

- Network Rail comments are shown on Page 28 of the report, and are superseded by the new amended plans.
- All key agencies and consultees understand that the entrance is only 34m from the crossing and have been invited comment on that understanding;
- Network Rail recommends conditions on the site that are included in the report. This includes the late addition referred to.
- Neighbourhood Plan allocates this site, and access to this site must be from Water Lane, being the only road to which the site connects
- This site is allocated by the local community for development.
- LLFA did receive the report from Mr Warwick.
- Planning is governed by rules and policies not simply our discretion
- NPPF states that a site does not need a sequential test if it is an allocated site in a development plan and has been subject to a sequential test.
- MBC have not received report from the examiner for the Local Plan yet.
- Neighbourhood Plan has more weight than the Local Plan as it is more advanced; the site allocated in both plans.
- The Neighbourhood Plan passed with a 93% Yes Vote, and it is the legal document for this application.

The Chair opened up the application for a debate.

A Cllr commented that a site in Somerby had recently been approved on appeal, which was not dissimilar to this site. The Neighbourhood Plan examiner referred

this allocation to the LLFA, and then it went to local referendum and passed with a 93% Yes Vote. There are a lot of housing and junctions near to railway crossings nationally and no reported accidents. 22 houses will not make that much difference for traffic. Network Rail are passing the book, and letting the LPA make the decision. However, need to avoid sign clutter on the entrance to the village. Want to add a condition that signs and design of signs be agreed by MBC, and condition a better housing mix for the village, as it needs smaller housing types.

A Cllr queried is the railway distance currently in the conditions. Assistant Director of Strategic Planning and Regulatory Services (JW) responded that it is not currently conditioned but can be put in.

A Cllr commented that they are regularly in Frisby and nearby Hoby, and that is more houses are built then there will be a lot more traffic accidents. Recent accident at Bingham at a level crossing resulted in a fatality. Must take notice of the views of residents and cannot cause a serious accident. This site can be amended for fewer houses.

Assistant Director of Strategic Planning and Regulatory Services (JW) stated that you cannot get an optimum access onto the site, as the only access has to be onto Water Lane, and this will then be close to the level crossing.

Cllr Holmes Proposed a motion to defer whilst Flooding issues and safety concerns are addressed, and to re-consult Network Rail. Also, so the scheme can be amended to have fewer houses.

There was no seconder for the motion to defer.

Cllr Higgins proposed a motion to permit. Also, to delegate signage to officers to create a more pleasing entrance to the village, an additional condition for more two and three bed houses within the scheme, as per condition three in the report. Proposed to permit, with further details to be decided at Reserved Matters stage.

Cllr Cumbers seconded the motion to permit.

A Cllr stated that the Neighbourhood Plan is designed for development over the next 20 years, and should not all be built within the next two years.

A Cllr stated that they are happy to agree with the motion.

A Cllr stated that without the Neighbourhood Plan and the Local Plan, this application could be refused, but with both plans it has to be permitted.

A Cllr stated their agreement with the previous Councillor, that the Neighbourhood Plan is very strong and should to be complied with unless there are very strong grounds to depart.

A Cllr stated that without the Neighbourhood Plan, this application may have had a

very different result.

A Vote was held on the motion to Permit.

8 Members supported the motion.

0 Members voted against the motion.

2 Members abstained from the vote.

DETERMINATION: PERMIT, subject to:

- (a) **The completion of an agreement under s 106 for the quantities set out in the report to secure:**
- (i) **Contribution for the improvement of a civic amenity site**
 - (ii) **Contribution to primary and secondary education**
 - (iii) **Contribution to sustainable transport options**
 - (iv) **Contribution to railway crossing safety measures, the design of which to be agreed in advance by MBC, to include signage appropriate for the rural environment**
 - (v) **The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs;**

PL4.2

17/01577/OUT

17/01577/OUT

Applicant: Davidson Homes and Mr McNulty

Location: The Old Clay Pit, Grantham Road, Bottesford

Proposal: Outline application (access included) for residential development of up to 40 dwellings.

The Development Manager introduced the report.

The Chair invited the Parish Council representative to address the Committee. Mr Sparrow explained he had been asked to speak by the Chairman of the Parish Council, Mr Bayman, and it was clarified whether he was their representative.

Mr Sparrow stated that:

- Without contamination surveys this application should not be before Committee. Based on the experience of the construction of the dwelling adjacent to this piling on site will be required potentially unlocking contaminants
- Site water runs off into the River Devon so the consequences of getting this wrong could be catastrophic
- There is Japanese Knotweed on the site. It will be difficult if not impossible to certify the site 'Knotweed Free' to potential buyers.
- The site is 12 minutes walk to the Queen St/ High Street junction in Bottesford and 19 minutes to the School entrance. People do not walk to amenities from anywhere but the very heart of the village
- Free bus passes to the occupants of this development is a token gesture. Sustainability arguments based on accessibility are therefore flawed.
- There is evidence of developers reneging on commitments to provide affordable housing

- Is it 'up to 40 dwellings' or '40 and leave part of the site undeveloped for a further application'
- National Government seeks a planning system in which local people in each neighbourhood specify what kind of development and use of land they want to see in their area. There is no Neighbourhood Plan and the opinion of the majority of the locals is that this development should not proceed.

The Chair enquired whether the views expressed were those of the Parish Council. Following clarification Mr Sparrow conformed they were not. The Chair ruled that the Committee should disregard the comments made as misleading and unrepresentative of the Parish Council's position, which was conveyed in the report.

Mrs Ablewhite, an objector, was invited to speak and stated that:

- Japanese Knotweed is present on site.
- Lots of pollution will travel downstream to Easthorpe.
- This is a landfill site.
- There are Cyanide and asbestos on site.
- There are health and safety issues with contamination on site.
- This site is a danger to the whole parish.
- Water contamination in nearby river will affect the whole parish.
- There has been no ground analysis on the site.
- Nearby river will become polluted.
- This site is very contaminated and council should err on the side of caution and not risk the health and wellbeing of residents.
- Health of residents should come first.
- This site is very poorly connected to the rest of the village.

A Cllr queried if Mrs Ablewhite had seen the Japanese Knotweed on the site. Mrs Ablewhite responded that nothing grows on the site and that Japanese Knotweed is prevalent across the village.

Councillors had no further questions for Mrs Ablewhite.

A Supporter was invited to speak, but was not present.

Jamie Pyper, the agent, was invited to speak and stated that:

- Agent is on behalf of Davidsons Developments, a 5 star house builder.
- Further details will be provided at REM stage.
- The Local Plan designated Bottesford as a service centre, so is a sustainable village for further development.
- This application has been made with a lot of input from the community and officers at MBC.
- This site is allocated in the Local Plan.
- Access and transport links are very good from this site.
- Environment Agency request that more tests will be carried out between the Outline and Reserved Matters stages of the application.

- This site is outside the flood risk area.
- This site is of very limited ecological value.
- The applicant is willing to accept conditions on the site.
- Agree with all policies and the report, so support the recommendation for permit.

A Cllr queried the cost of clearing the site before building.

Mr Pyper responded that the costs of this had been included in the viability assessment and the site is viable.

A Cllr asked if Mr Pyper is aware of the Knotweed on site or not.

Mr Pyper responded that we are aware of it on site and that it is not uncommon or other similar sights.

A Cllr stated that the Knotweed must be cleared from the site.

Applications and Advice Manager (LP) directed the Committee to the Parish Council comments included in the report.

The site has been restored from the tip site, according to LCC.

The previous refusal on this site was not due to the contamination on the site, but was due to previous guidance that has now been superseded.

The Chair opened up the application for a debate.

A Cllr stated that this was an unregulated landfill site, so there are very understandable contamination concerns. There has been nothing on the site for a very long time and it may not be safe to build on the site.

A Cllr queried whether the site had air vents installed since it was a landfill site to lessen build up of gases.

Applications and Advice Manager (LP) stated that there did not appear to be air vents on site, and a lot more work needed to be done before the Reserved Matters stage.

Cllr Botterill Proposed to defer the application, as there are concerns about not being able to access the site, and the site must be contaminated as there are concerns about what is growing on the site, so further tests need to be carried out before the application can be determined.

Cllr Rhodes Seconded the motion to defer, stating that the site must be contaminated and that the site could not be accessed on the site visit.

A Cllr stated that this is only an outline application, and that concerns about contamination can be sorted at Reserved Matters stage.

A Cllr stated that there must be clear reasons for deferral, and that they would support approval due to the current conditions and because it is currently only an outline application.

A Cllr asked if the Officer had visited the site.

Applications and Advice Manager (LP) responded that she had been on the site and that she had not noticed any air vents.

A Cllr queried why they had been unable to go on site when on the site visit.

Applications and Advice Manager (LP) answered that there was not a request to do so.

A Cllr stated that when on site visit, they had seen the site from two entrances, so got a good idea of the site.

A Cllr stated that they were apprehensive to permit when had not actually been on the site.

Cllrs sought clarification on the current reasons for deferral.

The current reasons for deferral are that they had been unable to get onto the site, and need to see evidence of contamination and water pollution from on the site itself before a judgement on the site can be made.

A Cllr stated that they need to do a site visit onto the actual site before this application comes back to the committee.

A Cllr stated that there are currently high readings for Cyanide on the site, and the site must be contaminated due to its previous use as a landfill site. Also, there is uncertainty about the suitability of the site, and they need to see more of the site. Also, the health and safety of the public must come first, and this site may pose a future threat to the health of residents without further investigation, so cannot be permitted at the moment.

A Vote is held on the motion to Defer.

8 Members support the motion.

2 Members voted against the motion.

0 Members abstained from the vote.

Cllr Higgins requested that his vote against the motion be recorded.

DETERMINATION: DEFERRED; to allow a further site inspection to take place.

A Break was taken at 20:05

The Chair warned that due to the length of the agenda and the time already, that the agenda may have to be cut short.

The meeting restarted at 20:10

PL4.3

16/00929/FUL and 16/00930/LBC

Applicant: Mr Brian Henton

Location: Sysonby Lodge, Nottingham Road, Melton Mowbray

Proposal: Conversion and redevelopment of Sysonby Lodge and associated Outbuilding for residential development comprising 10no. dwellings (Use Class C3) with associated access, landscaping and car parking.

The Case Officer (TE) stated that there have been updates to the report and stated that:

- This application is linked to the enabling application 16/00926/OUT.
- This site is a historic lodge, and very important to the heritage of the town.
- This site was last used as offices, but is gradually falling into disrepair, and now must be occupied to be able to survive.
- The building is currently wind and weather proof, but has been empty for a long time.
- The ground floor plans are historically significant, and are currently planned to be retained.
- The current windows will be maintained.
- The building will be restored to its former grandeur, but requires significant investment, hence the enabling application.

Maria Boyce, the Agent, was invited to speak, and stated that:

- This building is grade 2 listed, so is of regional and national importance.
- The building must be in use to be maintained to a suitable standard.
- The original permission that was granted in 2007 has lapsed.
- The site is sustainable, as long as the enabling application is also approved.
- There are no technical objections from consultees.
- The enabling application is designed to help fund this restoration.
- The current approach is a conservation led approach, designed to maintain and restore the site as much as possible.
- The final design is now optimum, after a lot of re-designs and amendments since the application was submitted.
- The site is of great historical importance, and heritage aspects must be given significant weight.
- The building will continue to deteriorate if nothing is done now.
- Agree with the recommendation of the officer to permit.

Councillors had no questions for Mrs Boyce.

The Case Officer (TE) had no further comments.

The Chair opened up the application for a debate.

Cllr Rhodes proposed to Permit the applications, as the scheme is very impressive and we need to preserve this listed building.

Cllr Baguley seconded the motion to permit.

A Cllr stated that this site is a very important heritage asset, and must be preserved. Very supportive of this application.

A Cllr stated that even though they couldn't attend the site visit, they are very happy that this site should be preserved.

A Cllr stated that this site used to be very impressive, and needs to be restored to its former grandeur.

A Cllr stated that the road would not be built to LCC Highways standards, so queried who would pay for maintenance of the road.

The Case Officer (TE) responded that this would be a legal matter, and should not be considered by the committee.

A Cllr confirmed that this application is for the restoration and conversion of the building only, and does not consider the proposed 22 new dwellings in the grounds.

A Vote was held on the motion to Permit.

10 Members supported to motion.

0 Members voted against the motion.

0 Members abstained from the vote.

The motion passed unanimously.

DETERMINATION: PERMIT applications 16/00929/FUL and 16/00930/LBC subject to the respective conditions as set out in the report, for the following reasons:

The application will address the principle concern raised by the building's status as a heritage asset 'at risk'. The historic significance of the building has been undermined by its previous commercial use, in which most of the important internal features were lost, while the historic plan form was diminished by the cellular partitioning of rooms.

As such the building's principle historic significance is now derived by its external appearance and its prominent aspect above Nottingham Road, as well as its evidential values which relate to the Melton's heritage as a destination for aristocratic hunting pursuits.

The remodelling of the internal space through the conversion of the building to residential use will not result in any further harm to the historic significance of the building, while the restoration of the external elevations, most significantly the removal of the unsightly dormer windows, will enhance the character of the building.

The proposal to convert the building into 10 new dwellings on the fringes of Melton

Mowbray is not considered to be an isolated rural development, primarily because the urban boundary has recently been extended following the consent to build 85 new dwellings adjacent to the site and the proposals within the new Local Plan for the North 'Sustainable Neighbourhood'. The location is considered to be sufficiently sustainable and the impact on neighbour amenity is low, as there are no parking or access issues and there will be no new built form as part of this application.

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that on the balance of the issues, permission should be permitted.

PL4.4

16/00926/OUT

Applicant: Mr Brian Henton

Location: Sysonby Lodge, Nottingham Road, Melton Mowbray

Proposal: Outline Planning Application for a residential development comprising up to 24no. dwellings (Use Class C3) and associated access.

The Case Officer (JL) stated that there had been no updates to the report.

Maria Boyce, the agent was invited to speak and stated that:

- Previous application cannot go ahead without the funding provided by this application.
- This application will fund the restoration of Sysonby Lodge.

A Cllr stated that the scheme that had been approved at Craven Lodge looks fantastic, but that 60 trees on the site is a lot to lose.

Mrs Boyce responded that this has been calculated and worked out as the optimum scheme, and tries to retain as many trees as possible and the trees are not of that high a quality.

A Cllr asked how long the site has been under the ownership of the current application.

Mrs Boyce responded that the site has been in control of the current applicant for over 10 years.

A Cllr queried why there are no affordable housing or S106 agreement within the scheme.

Mrs Boyce responded that this is an enabling scheme, so all contributions go directly into the restoration of Sysonby Lodge.

A Cllr queried the presence of badgers on site.

Mrs Boyce answered that there will be sufficient mitigation if the scheme is approved.

The Chair opened up the application for a debate.

Cllr Rhodes stated that the listed building cannot be restored without the approval of this application, so refusal would condemn Sysonby Lodge. Cllr Rhodes proposed to permit the application.

Cllr Greenow seconded the motion to permit.

A Cllr stated that this site is part of the heritage of the area, so support the motion.

A Cllr stated that they were concerned about the loss of the trees on site, as the trees are part of the setting of the Lodge.

A Cllr stated that 60 trees is a lot to lose, so must try and keep the best and most mature trees on site.

The Case Officer (JL) stated that the trees must be lost to make room for housing to fund the restoration of the Lodge as a whole, and that lots more trees will be retained.

A Cllr proposed a condition that more trees be retained by the scheme.

The condition was refused by the proposer of the motion to permit.

A Cllr stated that they agreed with the current motion.

A Cllr queried the lack of S106 agreement.

The Case Officer (JL) responded that this is due to it being an enabling scheme, so all contributions will fund the restoration of the Lodge.

A Cllr stated that this site is an important heritage site in the area, so must be retained, and that further details of the scheme can be agreed upon at the reserved matters stage.

The Proposer and Secunder of the motion agree to condition that the scheme provide a play area on the site.

A Cllr stated that the benefits far outweigh the costs on this scheme, but can try and mitigate against the loss of further trees.

A Vote was taken on the motion to permit.

10 Members supported the motion.

0 Members voted against the motion.

0 Members abstained from the vote.

The motion passed unanimously.

DETERMINATION: PERMIT, subject to:

- a) The completion of a S106 for the phasing of the development as set out in the report and ;**
- b) The conditions as set out in the report and an additional condition requiring provision of a play area.**

REASONS: The proposed development is acceptable for its location on the basis of its requirement to enable the re-development and retention of Sysonby Lodge and the location of the dwellings in relation to the Listed Building. Conditions will ensure that this development would be of high quality and would not be harmful to the setting of the Listed Building.

Harm to the setting of the adjacent heritage assets caused by the new development will be mitigated by appropriate landscaping. This would also include the re-planting of trees which would be lost as a result of the development.

A phasing scheme will be implemented through the agreement of a S106 to ensure that the appropriate required works are carried out to the Listed Building at an appropriate time and that the dwellings are not constructed without the restoration/ conversion works being carried out.

The applicant does not propose to provide any S106 contributions or affordable housing provision as requested and has submitted viability evidence to support their argument against providing these contributions. This information has been independently assessed by the Valuation Office and confirmed that should the S106 payments and affordable housing provision been provided, the scheme would be unviable.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be permitted.

As the time is close to the three hour normal meeting limit, The Chair checked that Officers are OK to continue past the normal 9pm limit.

Officers agreed to continue.

The Chair asked if Councillors are OK to continue.

Councillors voted to continue the meeting, past the usual 3 hour meeting limit.

A Vote was held on the motion to continue the meeting.

9 Members supported the motion.

0 Members voted against the motion,

1 Member abstained from the vote.

The motion passed, the meeting will continue past the normal 3 hour limit.

Cllr Holmes Proposed to defer application 18/00001/TPOMBC due to the late hour of the meeting, and its status as the last agenda item.

Cllr Higgins seconded the motion to defer.

A Vote was taken on the motion to defer application 18/00001/TPOMBC.

10 Members Supported the motion.
0 Members voted against the motion.
0 Members abstained from the vote.

The motion passed unanimously.

The item was deferred.

PL4.5

18/00271/OUT

Applicant: Mr and Ms Featherstone and Harvey

Location: Land To The South Of The Lane, Barsby

Proposal: Demolition of barns and erection of one two storey dwelling, including access.

The Case Officer (GBA) stated that there had been one update to the report, and stated that a letter has been received from Cllr Janet Simpson, expressing her views on the application.

Jenny Hurst, on behalf of the Parish Council, was invited to speak and stated that:

- Support this application.
- Will enable greater efficiency in Farming.
- Will renovate the derelict building.
- Will improve the immediate area.
- This site is within the village.
- Site has safe access.
- There is a local need for 3 bed houses.
- This scheme is a high quality design.
- Should support this scheme and vote to permit.

Councillors had no questions for Cllr Hurst.

Stella Harvey, the applicant, was invited to speak and stated that:

- This site is not within the open countryside.
- Site is located within the local village.
- Applicants are local farmers within the community.
- There is a local need for this housing.
- Other applications have been permitted in Barsby.
- There is a local need for 2 and 3 bed houses.
- Village is only 1 mile from Gaddesby.
- Barsby is not unsustainable.
- There is a lot of support within the community.
- There are no technical objections to the scheme.
- Material considerations are in favour of support.

A Cllr sought clarification on what would happen to current house.
Ms Harvey responded that the current house would be sold.

The Case Officer (GBA) clarified that this is not an application for an agricultural workers dwelling. The applicant had made a clear statement to that effect.

The Chair opened up the application for a debate.

A Cllr stated that this is not needed to help the business, so there is no justified need; so cannot support the application, and Barsby is an unsustainable location.

A Cllr stated that this application is against policy, as there is no justified need.

A Cllr stated that this is an application for a farm, but it is not an agricultural application so this makes little sense.

A Cllr suggested that another application can be submitted for an agricultural workers dwelling, or that shows the local need for the scheme.

Cllr Holmes Proposed to defer the application - to analyse if the scheme was needed or had an agricultural tie.

The Chair commented that this motion would have to be for a refusal – the motion fails.

Cllr Faulkner Proposed to refuse the application.

Cllr Cumbers Seconded the motion to refuse.

A Vote was taken on the motion to refuse.

9 Members supported the motion.

0 Members voted against the motion.

1 Member abstained from the vote.

DETERMINATION: REFUSED, for the following reasons:

- 1. The dwelling hereby proposed is considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitates sustainable travel and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF and overall aims in creating sustainable development.**
- 2. The information provided by the applicant in support of the application does not show that the dwelling is required for the operational needs of the business, or that is capable of supporting a permanent dwelling on site as per the requirements of Policy D3 of the emerging Melton Local Plan and para. 55 of the NPPF.**
- 3. The applicant has failed to identify a required need for the development would meet a local need either identified in a Neighbourhood Plan or**

appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036.

PL4.6

18/00287/FUL

Applicant: Mr And Mrs Alan Batten

Location: Holmwood, 33 Main Street, Kirby Bellars

Proposal: Proposed two bedroom single storey dwelling

The Case Officer (GBA) stated that there had been updates to the report, and stated that:

- Petition received in support of the application with 21 local signatures.
- One further objection has been received that highlighted the parking issues along Main Street, Kirby Bellars. All other concerns raised have been addressed in the report.
- An additional reason for refusal has been added, relevant to Para 53 of the NPPF, over the resisting of development in residential gardens.

Stuart Machin, an objector, was invited to speak and stated that:

- This scheme has a direct impact on neighbours.
- Kirby Bellars is an unsustainable location.
- There are no benefits to this scheme.
- This is contrary to both the Melton local Plan and the NPPF.
- There are properties available to buy within the village.
- This reduces the amenity value for neighbours.
- The proposal breaks several design policies.
- This is not an appropriate development.
- There is no back land development within Kirby Bellars.
- There is a lack of amenities in the area.
- Support the recommendation to refuse.

A Cllr sought clarification on the location of neighbouring houses on the plans.

Alan Batten, the applicant, was invited to speak and stated that:

- They want to downsize but remain within the community.
- Member of the parish Council
- Support lots of community events within the community – valued members of the community.
- There are no suitable properties available in Kirby Bellars.
- The scheme has almost 300sqm of garden.
- There is already back land development in the area.
- Local Plan says that Kirby Bellars will need some development to be able to survive.
- Very reluctant to leave the area.

Cllrs had no questions for Mr Batten.

The Case Officer (GBA) stated that there were no further updates.

The Chair opened up the application for a debate.

A Cllr queried about the receipt of a petition in support of the application. The Case Officer (GBA) clarified that MBC received a petition with 21 signatures in support of this application.

A Cllr stated that they had sympathy with the applicant, and there does need to be some development within this village.

A Cllr stated that the scheme is not currently recommended for refusal under the Local Plan conditions. The site may be over intensive with this scheme. Do not agree with Clause 1 in the conditions in the recommendation for refusal.

Assistant Director of Strategic Planning and Regulatory Services (JW) stated that the new SS3 in the Local Plan would enable development such as this, where there is a demonstrable need.

A Cllr argued that people who work and are valued members of the community are very important, such as the applicant.

A Cllr stated that the plot size seems very large for a two bed bungalow.

A Cllr stated that this scheme may be over intensification of the site, but development is needed in this village.

Cllr Greenow proposed a motion to refuse along with officer recommendation. As well as a new reason as in Paragraph 53 of the NPPF about inappropriate garden and back land development.

Cllr Posnett seconded the motion to refuse.

A Vote was held on the motion to refuse.

6 Members supported the motion.

4 Members voted against the motion.

0 Members abstained from the vote.

Cllr Higgins requested that his vote against the motion be recorded.

DETERMINATION: REFUSED, for the following reasons:

- 1. The dwelling hereby proposed is considered to be located in an unsustainable location. Kirby Bellars as a village lacks many amenities that facilities sustainable travel and therefore the proposed occupants would rely on the private motor vehicle, contrary to the advice in the NPPF and overall aims in creating sustainable development.**

2. The proposed erection of a new dwelling in this location is considered to represent overdevelopment of the site, in terms of the limited amount of amenity space available and its impact on the character of the surrounding area. Accordingly, the proposal conflicts with Policy BE1 of the adopted Local Plan and the NPPF chapter 7.
3. The proposed development is deemed to be an inappropriate form of development of a residential garden that is deemed to cause harm to the local area and therefore contrary to NPPF paragraph 53.

Councillors Voted in favour of continuing the meeting to a conclusion.

PL4.7

18/00001/TPOMBC

18/00001/TPOMBC

Applicant: Waltham On The Wolds And Thorpe Arnold Parish Council

Location: Village Green, High Street, Waltham On The Wolds

Proposal: Two Lawson Cypress Trees

This application was already deferred earlier in the meeting due to the late hour and time constraints on the meeting.

PL4.8

16/00157/OUT

Applicant: Hofton & Son Ltd

Location: Land Adjacent The Woodlands, Station Road, Old Dalby

Proposal: Erection of up to 25 houses with all matters reserved except access

Applications and Advice Manager (LP) briefed members on a report of the application, and a request for a deed of variation to remove the affordable housing condition in the approved application.

A Cllr sought clarification on the calculations, and questioned whether the figures in the report are correct. Even with the deed of variation, the applicant will still lose over half a million.

A Cllr stated that the applicant knew the policies and requirement when applying for the original permission, and must now follow through and deliver. They should have done the viability assessment at the start of the process, not after permission has already been granted.

The Legal Council recommended that this be deferred to seek legal review.

Cllr Higgins proposed to refuse the deed of variation.

Cllr Holmes seconded the motion to refuse.

A Cllr stated that they agree with previous comments.

A Cllr stated that this does not add up, and so should be refused.

	<p>A Vote was held on the motion to refuse.</p> <p>10 Members supported the motion. 0 Members voted against the motion. 0 Members abstained from the vote.</p> <p>DETERMINATION: REFUSED, because insufficient information has been presented to remove the Affordable Housing element of the Section 106 Agreement.</p>
PL5	<p>Performance Report Performance Review</p> <p>This item was deferred until the next meeting.</p>
PL6	<p>Urgent Business None</p>

The meeting closed at: 9.40 pm

Chair