



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

24 April 2014

PRESENT:

PM Chandler (Chair), P Baguley,
G Botterill, G Bush, P Cumbers,
E Holmes, J Illingworth, J Simpson, J Wyatt

Solicitor to the Council (HG), The Head of Regulatory Services (JW)
Regulatory Services Manager (PR), Applications and Advice Manager (JW)
Administrative Assistants (SC and KS)

D89. APOLOGIES FOR ABSENCE

Cllr Freer-Jones

D90. DECLARATIONS OF INTEREST

Cllr Illingworth declared an interest in agenda item D92 (7) 14/00145/FUL being good friends with the people who drew up the plans.

D91. MINUTES

Minutes of the meeting 3 April 2014

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Bush. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record.

D92. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00065/COU
Applicant: Mr R Truswell
Location: Field OS 3076, Goadby Road, Waltham On The Wolds
Proposal: Change of use of land to use as a residential Gypsy caravan site for 4no. pitches (maximum 10no. caravans) with grazing for horses.

The Solicitor to the Council advised Members that Cllr Holmes had been instructed not to speak due to a perceived bias.

Cllr Holmes had spoken to a different Solicitor to the Council earlier who had not said Cllr Holmes would need to leave the room.

The Chair commented that Cllr Holmes could speak in her capacity as Ward Cllr instead.

Cllr Holmes stated that she had no interest whatsoever other than the interest of the Waltham Ward.

(a) The Head of Regulatory Services stated that:

Application

The application is for a travellers site and use of land for horses. The plans show the area in which the caravans would be contained and an amendment was made to fence off and exclude the part of the site that the footpath crosses. It is proposed to create a new access at the midpoint of the road frontage and to close the one at the top of the site (by the railway line) that is currently used. The application proposed 4 pitches each containing 2 caravans, and the figure of 10 is in order to allow change over time as the vans are changed relatively frequently. As the report sets out, the applicants are pursuing this site because they consider it suitable for their needs particularly with reference to access to health care in Waltham.

The land is not owned by the applicants but we have been provided with the documents that show the agreement with the current landowner to purchase it and this application has been submitted with his knowledge, as well as in accordance with the requirements of planning law in terms of notification, certificates etc.

Update

Highways – confirmation that:

(a) The objection reported on page 4 stands on the basis of the limited sustainability of the site and (b) confirmation that the access arrangements shown in the amended plans are acceptable to them, again as per the content of page 4. A rationale is provided to support this that explains that the appropriate guidance for this is the 'Manual for Streets' which for this location requires a sightline of 134m, and 175 is available. The advice also explains that the application of other standards – derived from the DRMB, which demand a higher standard – are both out of date and not applicable to the road concerned as their intention is for trunk roads.

Additional advice commenting specifically on lorries, explains that even if travelling at 50 mph the maximum stopping distance by any of the standards is

134m, and to reiterate 175 is available. The latest road survey for Goadby Road identified 32 HGV's travelling on this stretch of road in a 12 hour period (one every 20 mins approx.)

Footpaths

The footpath officer confirmed agreement that the plan to isolate the part of the site through which the footpath crosses is acceptable.

Objections

1 letter of objection, had been received additional to those reported, on the grounds:

- Access – visibility is poor
- Installation of services (water supply; construction of new access etc) would be disruptive to passing traffic
- Permanent buildings and other works, e.g. access, would be harmful to the countryside
- Campsites for travellers discriminate against the rest of the population; a permanent site for a travelling population is a contradiction.

Issues

Firstly a note of caution, to advise the Committee that we received a large volume of material but within this had been some not relevant and some out of date, e.g. policies that have been superseded. We have tried to be clear in the report where this was the case.

In the conclusion to the report we highlighted what we considered the key issues in this application to be. In common with others, it presents a 'planning balance' and the Committee was invited to consider the significance of the impact on the countryside, on users of the footpath, and the sustainability of the site, and balance these against the benefits that had been cited.

Our view was that there were undoubtedly adverse effects arising from the application but that they were limited in their impact. There were also clear benefits, and it was because of these that a balanced approach was necessary. The committee was invited to adopt a similar approach, i.e.:

- Firstly consider which of the impacts that have been raised are adverse
- Secondly, consider the significance of the adversity and
- Finally, consider whether the benefits cited are of equal or greater significance. If so, following the requirements of Para 14 of the NPPF, this should lead to a conclusion of approval but if not – whether issues are singularly or in combination – refusal is appropriate.

The Chair asked Members if they would consider allowing the first speaker a continuous 6 minute slot rather than two 3 minute slots as they were representing both the Parish Council and the objectors. This was proposed by Cllr Illingworth and

seconded by Cllr Simpson. Members unanimously agreed to allow the speaker 6 minutes to make their comments.

(b) James Houghton, on behalf of the Parish Council and as an objector, was invited to speak and stated that:

- The proposal is contrary to policy and guidelines.
- The report omitted 2 key points from the Planning Policy for Travellers Sites issued in March 2012 which stated that:
 - I. Development in open countryside that was away from existing settlements should be limited.
 - II. Weight should be attached to effective use of brownfield land.
- The site was not well located having no footpath or adequate linkage to Waltham and community services.
- The road had no street lighting and was unsafe and unpractical.
- Highways had clearly stated that the site was unsustainable in transport terms.
- The site was adjacent to sewage treatment works which could impact on the health of residents living close by. The site is owned by Severn Trent Water whose comments were not included in the report.
- The site had no access to mains drainage.
- The 2 acre site could sustain only 1 horse. However, many more were currently being grazed.
- Local framers were suffering loss of income due to fly grazing.
- The site was located on a slope and easily became waterlogged. The soil was wet clay and only slowly permeable. The proposed stone track would be hazardous and impassable and the planned soak away would be ineffective. The adjacent brook would suffer from silt pollution.
- The site would impact on views west of the A607 for 5 months of the year when the trees on the site lost their leaves.
- The site did not complement the picturesque village setting.
- The number of objections to the application was circa 200.

(c) Chloe Truswell, on behalf of the applicant, was invited to speak and stated that:

- The site would be occupied by one family consisting of 8 members.
- Due to the poor health of elderly members of the family they needed a place to settle where they could access support from local health care providers.
- The speaker's brother had a local business which was licenced by Melton Borough Council.

The Head of Regulatory Services responded to the comments made by the speakers referring to the relevant pages of the Officer's report:

- Issues relating to Planning Policy for Travellers Sites guidance regarding strictly controlling sites in open countryside were included on page 11 of the report.

- Attributing weight to brownfield sites was not addressed in the report because the site in question was not a brownfield site.
- Severn Trent Water did not respond in their capacity as statutory undertaker but did so as neighbouring land owner and their representation was reported in several locations in the report, commencing at on page 18 of the report. The Head of Regulatory Services then highlighted the specific locations within the report where STW's comments were reported. Further information on the health impacts upon the residents of the site were included on page 19.
- Page 21 of the report provided a response to the statement that the application was contrary to policy and guidelines.
- And Page 22 of the report addressed comments regarding the remoteness and unsustainability of the site, all the above were in the content of Severn Trent's representation
- The guidelines in terms of flooding state that caravans should not be the subject of flood water. This did not mean they should not be subject to muddy access.
- The site visit for Members provided an opportunity for them to make a judgement in terms of the impact on views.
- Each application was considered on its own merits and as a result the decision on this particular application would not set a precedent for future applications.
- The number of objections did need to be noted but the content of the objections also needed to be considered rather than just the number (this also explained in the report).

The Chair asked, if the application had been for a house, would the site still be considered sustainable?

The Head of Regulatory Services clarified that Waltham was relatively sustainable. The key judgement for Members was whether the proximity and means to reach Waltham meant that people living on the site would be able to use the facilities in the village.

Cllr Holmes, a Ward Councillor for the area, stressed that she had been Councillor for Waltham for 20 years and had been contacted by many people with regards to this application. A public meeting regarding the proposal was well attended by local people. Cllr Holmes commended the applicants for wanting to care for their relatives and clarified that she had been misquoted previously in the Melton Times.

The Chair confirmed that Cllr Holmes would be staying in the room.

Cllr Baguley highlighted concerns about the speed of traffic on the road and the potential for flooding. As there was no pavement into the village children living on the site would need to walk along the road to get to school. Cllr Baguley also had concerns over the sustainability of the village but wanted to listen to the views of others before making a decision.

Cllr Cumbers supported traveller's sites in general having grown up in Kent with travellers sites present that caused no significant problems. However, this was a difficult site to support for the reasons already outlined and she also wanted to listen to the views of others before making a decision.

Cllr Illingworth felt unable to support the recommendation due to the strength of public opinion against the application and the reasons raised.

- The application was contrary to Policy OS2 of the Local Plan being not for employment, recreation or tourism and being detrimental to open countryside.
- Cllr Illingworth felt that if approved the site would increase tensions between the two communities.
- Cllr Illingworth queried if other sites had been investigated as former brownfield sites would provide a more appropriate location.
- Added to this the loss of pasture land which was an amenity for the village.
- The issue of animal welfare was a significant part of the application which did not appear to have been addressed in the report.
- Access to the village would be mainly vehicle based due to access by foot being restricted to muddy fields and roadside verges.

For the above reasons Cllr Illingworth **proposed refusal** of the application.

Cllr Bush **seconded** the proposal to refuse the application. Although a difficult decision the long term health and safety of the people on the site was a concern and the site was unsustainable.

Cllr Simpson considered that there were too many horses on the site and had concerns for their welfare. The number of horses and the use of barbed wire deterred use of the public footpath. Cllr Simpson understood why this family needed to remain in the same place and would have preferred to defer the application to enable an alternative site to be found. However, due to the application being contrary to Policy OS2 and the lack of sustainability Cllr Simpson was in support of the proposal to refuse the application.

The Chair highlighted how the rejection of the Core Strategy had resulted in the loss of a permanent site for travellers in the Borough.

Cllr Illingworth added that the new Local Plan would provide a permanent site and thought that the Plan should be in place before approving this application.

Cllr Cumbers hoped that the applicants would look elsewhere for a site as Melton Borough Council had been remiss in not having found a permanent site for travellers already. However, this site was not the right place.

Cllr Botterill highlighted that responsibility for providing sites for travellers had only recently passed to Melton Borough Council having previously been the remit of Leicestershire County Council. Cllr Botterill was concerned to evict elderly people from the site and hoped that a new site could be found quickly. The Chair supported

the need to hasten the delivery of the Local Plan.

The Head of Regulatory Services responded to the points raised.

- Two alternative sites had been considered for the family, the existing travellers site at Dalby Road and one other. Neither site was found to be suitable or available.
- The Local Plan could only move forward as a single entity and it was not possible to extract one element and move it forward at a faster pace than other elements of the plan.
- The welfare of horses was governed by regulations managed by other organisations and it was not possible for Planning Decisions to duplicate other controls which would be regulated elsewhere.

Cllr Illingworth understood the last point made by The Head of Regulatory Services but took the view that grazing of horses was an integral part of the application, being included in the title of the proposal, and would therefore need to be included.

The Head of Regulatory Services proposed a split in terms of residential issues and horses:

1. The site was considered to be in an unsustainable location. Though nearby, visits to Waltham were difficult and hazardous and likely to be taken by car and as such the location was not considered to be sustainable as a location for residential use of the nature proposed. The caravans were only partially screened by hedgerows and were readily visible and unsightly in the countryside and were unlikely to reduce tensions between the settled and traveller communities. As such the proposal was contrary to policies OS2 and H21 of the Adopted Melton Local Plan, and the Planning Policy for Travellers Sites 2012 when read in conjunction with the National Planning Policy Framework. The benefits in terms of meeting overall need that was currently unmet and the family's particular health considerations were not considered to be of such significance as to outweigh the significant and demonstrable adverse impacts identified above.
2. The proposed site was not suitable for the grazing of horses by virtue of its size and inability to accommodate horses with a satisfactory standard of grazing.

Cllr Illingworth commented that listing the reasons for refusal separately would make a stronger case for the decision which had been made. The Head of Regulatory Services emphasised the need for quality over quantity.

A vote was taken: 8 in favour of refusal and 1 abstention for Cllr Holmes who was prevented from voting.

DETERMINATION: Refuse, for the following reasons;

1. **The site is considered to be in an unsustainable location. Though nearby, visits to Waltham are difficult and hazardous and likely to be taken by car and as such the location is not considered to be sustainable as a location for residential use of the nature proposed. The caravans are only partially screened by hedgerows and are readily visible and unsightly in the countryside and is unlikely to reduce tensions between the settled and traveller communities. As such the proposal is contrary to policies OS2 and H21 of the Adopted Melton Local Plan, and the Planning Policy for Travellers Sites 2012 when read in conjunction with the National Planning Policy Framework. The benefits in terms of meeting overall need that is currently unmet and the family's particular health considerations are not considered to be of such significance as to outweigh the significant and demonstrable adverse impacts identified above.**

2. **The proposed site is not suitable for the grazing of horses by virtue of its size and inability to accommodate horses with a satisfactory standard of grazing.**

(2) **Reference: 14/00131/FUL**
 Applicant: Professor Gary England
 Location: Hall Farm, Klondyke Lane, Thorpe Satchville
 Proposal: Installation of 1002 Ground Mounted Photovoltaic Panels

a) The Planning Officer stated that:

This application sought planning permission for the installation of 1002 ground mounted solar photovoltaic panels at Hall Farm, Thorpe Satchville. Members may recall a similar application being reported to committee in December last year, this application proposed a revised siting of the panels to the north in closer proximity to the existing farm buildings.

Since publication of the report a further four letters of objection had been received raising the following issues;

Firstly in respect of the screening proposed;

- Concern over the amended screening plan, in that the proposed screening would be ineffectual as it comprised mainly of deciduous trees, the two row spacing even on maturity would provide little or no screening in autumn/winter and the plan showed an existing hedge on the eastern site giving inadequate cover from these panels.
- The proposed trees were deciduous and slow growing.
- The proposed screening was too far away from the panels to be effective,

over 100 metres and the previous condition for approval must be repeated for this new location. A hedge in close proximity to the panels was required rather than trees over 100m away.

- The hedge near the proposed tree should be ignored as it was not on the applicants land.
- The committee must make a decision that created the least visual harm, an evergreen hedge.

In respect of Policy;

- The report failed to point out that the application was in conflict with C2 or the conflict of the application with core planning principles in the NPPF.
- The report paraphrasing government guidance was inaccurate. Para 27 of the NPPF stated that a Local Planning Authority will need to consider the potential to mitigate landscape and visual impacts. The committee was required to consider the potential to mitigate.

With regards to the details of the application;

- The old planning approval must be controlled so that the applicant did not put up two different panel farms.
- The report failed to challenge the applicants assertion that if the planting was closer to the panels this would cause some of the panels to be in shadow over the winter months.
- The report failed to detail the representations from local people explaining why the screening condition agreed last time was not unreasonable. Just because the condition meant that the turbine would not be able to run is not acceptable as the wind turbine was an unauthorised development. The PV application had to be considered as if the turbine did not exist.
- The report suggested that footpath users would be well screened from the panels, however, the footpath also ran to the south where there was no screening.
- The report did not address the points about the applicant's energy generation claims. The applicants claim on energy should not be accepted at face value. The unsubstantiated assertions should also not be accepted at face value.

In response to these comments;

With regards to the proposed screening, the screening was not proposed to screen the development but to soften the appearance of the panels and ameliorate it into the landscape. A judgment was required as to whether the visibility of the panels would cause any harm, and if there was any harm can this be softened or mitigated against with landscaping. Just being able to see the panels did not necessitate harm. Careful consideration was required as to whether the location, number and position of the panels would have a detrimental impact on the open countryside location and if there was screening required was the proposed screening adequate and suitable for the rural location. The species and density of the screening should also be

appropriate for the surrounding area.

In terms of policy, the wording of Policy C2 was contained on page 2 of the report and the officer had considered that the proposal complied with part of the Policy. The application had been assessed against the principles of the NPPF. The Practice guidance did require the local planning authority to consider the potential to mitigate, but as stated previously, this was only if there was a considered harm.

In response to the details of the application, these had been addressed within the report. A condition could be imposed, as suggested in Condition 6, to prevent the coexistence of both permissions if considered necessary. The footpath was not considered to be adversely affected by the proposal as detailed on page 5 of the report. Just because the panels would be visible to parts of the footpath the enjoyment of the footpath was not considered to be affected.

Finally in respect of the energy generation concern, the NPPF was clear in paragraph 98 that planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. The practice guidance did refer to the 'capacity factor', in respect of wind, by stating that this could be useful information in considering the energy contribution to be made by a proposal where a decision was finely balanced. It was not considered in this case that the application was finely balanced as the application had been judged to not have any adverse impact upon the landscape or residential amenity.

Accordingly the application was recommended for approval as set out in the report.

b) Mr Higgins on behalf of the Parish Council, was invited to speak and stated that:

- The community and the Parish Council were not concerned about solar panels but rather the screening of the panels.
- The original application was permitted with sufficient screening.
- However, the change of location resulted in the panels being in a slightly raised position.
- The trees in the new proposals would not provide adequate screening.
- The Parish Council would like to ensure that the conditions made in December were not watered down.
- As a result they politely requested additional screening, closer to the panels and of the same volume as proposed last year.

c) Mrs Freij, an objector, was invited to speak and stated that:

- The report stated that the existence of both schemes would be detrimental to the character of the countryside.
- A 3m high dense evergreen hedge, close to the panels, was required.
- The hedge needs to be in a different place to that specified in the proposal. Mrs Freij then referred to the brown line on a diagram which showed the

desired location of the hedge.

- Any new hedge would be in keeping with hedges already in place on the site.
- Existing trees should be maintained and protected from felling for the lifetime of the PV panels.
- Government guidance required the mitigation of adverse visual impacts of PV panels and recommended screening to make the visual impact of panels zero.
- Mrs Freij called for consistency with previous applications.

d) Tony Lee, Agent for the applicant, was invited to speak and stated that:

- The number of PV panels was the same as in the previous application.
- The Parish Council have not objected to the application.
- The report did not specify conditions on permission.
- The applicants were aware of the views of the local community and have included screening which was not a required feature.
- The number of trees included in the proposals had been increased.
- Guidelines issued in March and in the NPPF advised the consideration of conditions where applications would otherwise be deemed unacceptable.
- However, any conditions must be necessary and the assessing Officer had stated in their report that conditions were unnecessary and therefore would be unenforceable.

e) Cllr Orson, speaking on behalf of residents, was invited to speak and stated that:

- The condition was the debated issue rather than the application itself.
- NPPF guidance stated that screening was not optional and zero visual harm caused by PV panels was deemed to be desirable.
- A 3m high hedge was to be encouraged and would be sufficiently high enough to mitigate the visual impact of the PV panels.
- Cllr Orson requested a condition which required a 3m double row hedge with 10m separation distances.
- The screen did not necessarily need to be evergreen, a native species would suffice.

The Applications and Advice Manager responded to the comments made by the speakers.

- The first consideration was the impact of the PV panels and if there would be any harm caused by them.
- Only if harm was perceived would we need to consider how it could be mitigated.
- The guidance actually stated that the visual impact 'could' be zero and not 'should' be zero.
- The decision for Members to make was if a condition was necessary.

Cllr Simpson had requested effective screening at the previous meeting and was happy to approve the application providing the requests for screening made by local

people and the Parish Council were upheld. Cllr Simpson **proposed approval of the application.**

Cllr Botterill raised a concern regarding the species of plant used to screen the panels which should not be Yew as it was poisonous to livestock. Cllr Botterill suggested Hawthorn as a suitable alternative.

Cllr Holmes was in favour of solar panels in general but thought that young plants may not provide adequate screening and suggested rustic type fencing placed in front of saplings until such time that hedge laying was possible. Cllr Holmes **seconded the proposals** providing a condition required adequate screening.

Cllr Bush disagreed and thought the screening proposed by the applicant was adequate.

Cllr Illingworth commented that only a little more compromise was required and believed that effective screening should be incorporated. However, he was happy for officers to decide the type and density etc. Cllr Illingworth called for consistency with conditions on previous applications.

Cllr Simpson's view was that screening included in the proposal was insufficient and that objectors were not unreasonable in their request for an increased amount. Cllr Simpson suggested that Officers look at the site with the Parish Council to decide what effective/adequate screening was.

The Applications and Advice Manager clarified that Officers did not feel additional screening was necessary and as a result it was for Members to establish what constituted adequate screening.

Cllr Simpson referred to a ménage on the same site which was adequately screened in her view. Any screening would need to be double planted.

The Chair suggested a Hawthorn hedge.

Cllr Wyatt agreed that Hawthorn would be suitable but added that the screen should be local to the line of the PV panels.

Cllr Holmes highlighted that grazing livestock would eat Quickthorn if it was to be used.

The Applications and Advice Manager reassured Members that a follow up condition would specify that screening needed to be in place for 5 years and would need to be maintained by the applicant.

Cllr Botterill highlighted that the type of screen must not be dangerous to livestock.

Cllr Simpson asked about the use of a dense evergreen species such as that already in use around the ménage.

The Chair clarified that evergreen species would not be in keeping with the countryside. Members decided that Hawthorn would be the most appropriate species to use.

On being put to the vote the application was approved unanimously.

DETERMINATION: Approve for the following reasons, subject to additional conditions:

The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of the dwellings in Thorpe Satchville village which are approximately 550m from the site. The development is not supported within the Melton Local Plan policy OS2 as it is not considered to be small in scale, however it is considered to meet the wider objectives of the NPPF, and the guidance published within the 'Planning Practise Guidance for Renewable and Low Carbon Energy', and the updated guidance in the NPPF National Planning Practice Guidance dated 6th March 2012. Following the approach set out in paragraph 215, it is considered that the latter outweighs OS2 due to its more recent date and the absence of policy addressing renewable energy in OS2.

Additional conditions:

8. Prior to the installation of any PV panels, a dense Quickthorn hedge shall be planted within 20m of the southern most array of photo voltaic cells hereby approved, for the length marked yellow on the plan below, forming part of this certificate. The hedge shall be planted at a height no less than 3m and thereafter shall be allowed to grow and be maintained at a height no lower than 3m, for the duration of the time that the photovoltaic panels are present on the application site. (Alternatively, a lower hedge may be planted prior to the installation of the panels but no panels shall be installed until it has reached a height of 3m).

9. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

-
- (3) **Reference:** 14/00114/FUL
 Applicant: Belvoir Fruit Farms
 Location: Vale View, Barkestone Lane, Bottesford
 Proposal: Change of Use of existing agricultural store to relocate existing agricultural process; also production unit including demolition of existing dwelling.

a) The Applications and Advice Manager stated that:

This application sought to refurbish and extend an existing agricultural building to accommodate a production facility and office for Belvoir Fruit Farms.

There were no updates to the report.

Members may recall a previous application for a production facility on this site which was approved in February last year. This application proposed amendments to the size of the building and the internal layout as well as removing a separate office block, previously approved, which would now be incorporated into the main building.

The application did represent a conflict between the development plan and the NPPF, due to the size of the proposed unit, and therefore a balance was required when making a judgment on the application. The proposal was not considered to be small scale nor in an entirely sustainable location but did represent the expansion and retention of a local brand in Melton. The site was considered to be more sustainable than its current location and represented economic growth in a rural area. The layout and single building enabled the production unit to operate in a more sustainable and efficient manner and it was these material considerations that were considered to make the application acceptable. The application was recommended for approval as set out in the report.

The Chair, in her role as Ward Councillor for Bottesford, welcomed the application. Melton was the food capital and this application involved the expansion of a business which produced a leading brand known worldwide. The Chair felt we must encourage the expansion of a successful local company which was in line with the NPPF stipulations. The Chair **proposed approval of the application.**

Cllr Holmes **seconded the proposals.**

Cllr Baguley reiterated the points made above.

On being put to the vote the application was approved unanimously.

DETERMINATION: Approve for the following reasons:

The application site lies in the designated open countryside and as such there is no presumption in favour of development under policies OS1 and BE1. The application has been submitted with supporting information which states that the proposal would be to relocate a successful local business, provide local employment and would be of economic benefit. The proposal is not considered to have a detrimental impact on the character and appearance of the open countryside or highway safety. There are concern with regards to the proposal and the close proximity of the adjoining residential property. However, this has been thoroughly assessed and it is considered that the

proposed sound mitigation measures proposed, which can be suitably conditioned, would ensure that the residential amenities of this property are not unduly affected.

The NPPF post-dates the Development Plan and supported rural economic growth. This application represents a conflict between the Development Plan and the NPPF. A balance of these issues is required when making a judgement on this application. Whilst not small scale nor in an entirely sustainable location the proposal does proposed the expansion and retention of a local brand in Melton. The site is considered to be more sustainable than its current location and represent economic growth in the rural area. The application also represent agricultural diversification and the adjoining Elderflower Orchard will make the production considerable more sustainable and efficient than the current production unit. It is these material considerations that make the application acceptable in this location and is considered to comply with the NPPF

-
- (5) **Reference:** 14/00219/NONM
 Applicant: Mr Ian Hardwick – Ian Hardwick Limited
 Location: Land Adjacent 23 Middle Street, Nether Broughton
 Proposal: Amendments to application 13/00678/REM

The Chair moved deferment of the application for a further site visit, due to an approach she had received from a resident of a neighbouring property, who claimed that a site visit had been promised by a member of staff.

Cllr Botterill **proposed approval of the suggestion to defer the application.**

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

On being put to the vote Members agreed unanimously to defer the application.

DETERMINATION: Defer consideration of the application to accommodate a site inspection.

-
- (6) **Reference:** 14/00165/FUL
 Applicant: Melton Borough Council
 Location: Waterfield Swimming Baths, Dalby Road, Melton Mowbray
 Proposal: Provision of an overflow car park

a) The Regulatory Services Manager stated that:

- Waterfield Swimming Pool stood in a prominent position at the corner of Dalby

Road on the edge of Melton Mowbray town centre. It was within the town envelope but beyond the Conservation Area boundary.

- The application proposed an overspill car park on land to the south of the existing car park to provide 32 additional car parking spaces.
- The site was presently grassed and was identified within the Local Plan as a protected open area.
- The proposed car parking would have a permeable grasscrete or similar surface with perimeter edging and demarked parking spaces.
- A previous application on the site relating to the provision of an overflow car park was presented to the Committee at its meeting of 25 July 2013. The application was refused due to the area being in an undeveloped and natural state.
- Parking on the site would be controlled by restricted hours of use between 4pm and 8pm Monday to Friday and between 8am and 12.30pm on Saturday.
- The proposal would change the appearance of the site but there would be no significant adverse impacts due to the hours of use being limited.
- The application was thought to be acceptable when balancing the adverse impacts against the health and fitness benefits to the local community.
- Negative impacts on residential amenity were limited.

b) Kay Blacklaws, an objector, was invited to speak and stated that:

- Mrs Blacklaws had objected six months ago when the application had previously appeared before Members and her views had not changed since that time.
- Signage to direct people to the Burton Road Car Park and improved lighting had been discussed at the meeting but this had not happened.
- Vehicles were still parking along grass verges and a car park extension would not prevent this.
- Rather than a costly extension to the car park people needed to be told not to park on the grass verges which should be landscaped so people know not to park there.
- The land was gifted to the people of Melton as a meadow and should not be used as a car park.
- The extension would destroy beautiful views from properties on Dalby Road.

The Chair clarified that the applicant had been advised to consider improved lighting between Waterfield Swimming Baths and the Burton Street Car Park but it had not been promised as a definite.

c) Matthew Hopkin, on behalf of the applicant, was invited to speak and stated that:

- Use of the Waterfield Swimming Baths had increased significantly and the programme of activities had been extended.
- The increase in numbers of people using the facilities had resulted in a high volume of traffic.
- Between the peak times of 4-8 pm customers had only a 1 in 4 chance of

- finding a parking space at the Centre.
 - At times parking was hazardous and restricted access for emergency vehicles and buses.
 - Attempts had been made to encourage lift sharing but the problem had not improved.
 - The development would ease health and safety issues.
 - The proposals included a landscaped area to the left hand side of the site and the refurbishment of two benches to partially mitigate the loss of green space.
- d) The Chair read a statement from Cllr Freer Jones, Ward Councillor for the area:
- Seven Members voted against the extension of the car park when the application was considered previously.
 - The application did not address the need for a sustainable solution to flooding.
 - The site in question was an open green space and should be protected. The scheme did not recognise the intrinsic value of such areas.
 - The proposal included an additional 32 spaces which would significantly increase the weight of cars on the site.
 - Opening times at the Centre had been increased and the car park would be used 6 days per week.
 - The proposal was contrary to Policy OS2.
 - The development would adversely impact on neighbours resulting in a loss of residential privacy.
 - The proposals were contrary to the intrinsic value of the site and the amenity value of the area.
 - Reducing green open space and increasing the number of cars on site would result in negative environmental impacts such as air pollution.
 - A lighting scheme and a pay system could be installed in the Burton Street car park.
 - The parkland between the Centre and the Burton Street car park was owned by the Town Estate. An agreement for the lighting scheme between the Town Estate and Melton Borough Council was discussed in 2013 and should be relatively quick to put in place.
 - The benefits of the proposal did not outweigh the negative points as the NPPF required.

The Regulatory Services Manager responded to the comments made by the speakers:

- Neighbour comments were set out in pages 3 and 4 of the report and were addressed in those sections.
- The uses of other facilities, such as the Burton Street car park, were not before members for consideration today.
- The loss of views was not a planning consideration.
- The requirements in terms of protected open spaces and the NPPF were discussed on page 5 of the report.
- The car park would help to enhance the provision delivered by the pool.

- The overflow car park would only be used at specified times.
- The use of a grasscrete surface would help to limit the impact when vehicles were not parked there.

Cllr Baguley commented that town open spaces were especially important and the attractiveness of Melton was its open spaces. Whoever gifted the land did not intend it to be used as a car park.

Cllr Holmes also highlighted the value of green spaces. This particular site was an old meadow which was also likely to be of archaeological importance due to being opposite the site of an old mill. The amount of ground needing to be removed would be significant. Cllr Holmes **proposed refusal** of the application and encouraged the applicant to pursue a lighting scheme through the park from the Burton Street car park.

The Chair urged members to acknowledge the success of the centre and highlighted how its success was causing havoc for local residents.

Cllr Wyatt questioned the value of the green space and thought that parking for customers should be provided as customer were blocking drives. Cllr Wyatt **proposed approval of the application.**

Cllr Simpson **seconded approval of the application** commenting on the success of the centre. Cllr Simpson felt the design and position of the car park extension was acceptable. The Officer's report was fair and the health benefits for local people made this a supportable proposal.

Cllr Illingworth **seconded refusal of the application** as the Local Plan encouraged the protection of open areas. Members had voted to refuse the application previously for good reasons which still stood when considering this proposal.

Cllr Cumbers commented on her surprise when the application was refused last time. However, green spaces should be protected and the car park at Burton Street was not used enough.

Cllr Bush supported the use of the Burton Street car park with the addition of improved lighting across the park. The car park on Burton Street was not well used between 4-8pm and was free after 6pm which needed to be more widely promoted.

Cllr Botterill highlighted that the centre had been successful without the extension to the car park and believed that people wishing to keep fit could incorporate the short walk from Burton Street.

Cllr Wyatt responded commenting that people who initially drive to Waterfield would not appreciate the detour if they had to then turn around and drive to Burton Street.

A vote was taken. 3 voted to approve the application. 6 voted against.

Cllr Holmes stated that the green space was gifted to the town and around £400,000 had been spent on the car park at Burton Street. It was unnecessary to waste more money on an extension and sacrifice a protected open area.

A vote was taken: 5 in favour of refusal, 3 against and 1 abstention. Councillors Chandler, Wyatt and Simpson all asked for their votes against refusal of the application to be recorded.

DETERMINATION: Refused, for the following reasons:

The proposed development would result in the introduction of a hard surface to an area that is currently undeveloped and in a natural state. The development would therefore fail to respect the intrinsic character of the site and the contribution it makes to the wider amenity of the area, and would be contrary to Policy BE12 of the adopted Melton Local Plan.

- (7) **Reference:** 14/00145/FUL
 Applicant: Melton District Scouts
 Location: Field OS 4821, Holwell Lane, Scalford
 Proposal: Replacement of existing male and female toilet/shower block, classroom/sleeping accommodation and two storage containers with purpose built timber frame building.

a) The Applications and Advice Manager stated that:

This application proposed the replacement of existing male and female toilet/shower block, classroom/sleeping accommodation, two storage containers and timber frame building.

There were no updates to report.

The application was presented to committee due to it being considered contrary to the Development Plan. The size and scale of the development was not considered to be small in scale and as such was contrary to Policy OS2. However, the proposal would provide improved facilities for the scout group, would not have an adverse impact on the surrounding countryside or surrounding properties. It was considered to be well designed and have no impact on highway safety. The application was recommended for approval as set out in the report.

Cllr Holmes **proposed approval of the application.**

Cllr Wyatt **seconded approval of the application.**

A vote was taken: 8 voted to approve the application. Cllr Illingworth had declared an interest in the application (see D 90).

DETERMINATION: Approve, for the following reasons:

The proposal lies within the open countryside, set back from the highway, and is considered to satisfy the requirements of policy R3 of the Melton Local Plan. It is not considered to meet the requirements of policy OS2 as it is not considered to be small in scale, however it is supported in general by paragraph 28 of the NPPF which seeks to support a prosperous rural economy. The building is considered to be well designed, with consideration of its countryside location in terms of the proposed materials, and the overall height combined with the agricultural feel of the look of the building. The proposal is not considered to have any negative impact on the safety of users of the highway, nor is it considered to have any negative impact upon the residential privacy or amenity of dwellings in the vicinity.

**(8) Reference: 14/00107/VAC
Applicant: Mrs H Stanley
Location: Barlows Lodge, Colston Lane, Harby
Proposal: To vary condition 3 of planning application 03/00242/FUL**

a) The Applications and Advice Manager stated that:

This application proposed to vary a condition attached to an approval for an annex. The request was to vary the condition to allow the annex to be leased on the open market but not severed from Barlows Lodge.

No updates.

It was considered in this location that the proposal would not have a detrimental impact on the open countryside and was therefore recommended for approval as outlined in the report.

Cllr Baguley, Ward Counsellor for the area **proposed approval of the application** being satisfied that the concern of the Parish Council was adequately covered in the report.

Cllr Cumbers **seconded approval of the application** commenting that it was clearly genuine and an elderly relative had lived there previously.

Cllr Holmes suggested that an Enforcement Officer look at the numerous sheds on the site.

The Chair highlighted that a Change of Use had been granted but accepted that permission was given for 10 sheds, the others needed to be investigated.

On being put to the vote Members agreed unanimously to approve the application

DETERMINATION:

The development is contrary to Policy OS2 as a result of its location outside the village envelope. However, it fulfils NPPF objectives to increase housing supply and a type for which there is an identified local demand in the area.

It is considered that the proposed dwelling in this location does not have a detrimental impact upon the countryside and therefore could be considered as an exception to Policy OS2, and that the dwelling constitutes sustainable development as supported in the NPPF.

Therefore, on balance it is considered that the benefits of permission in terms of meeting NPPF objectives are sufficient to outweigh the very limited harm that would arise from the breaching of Policy OS2.

D93. URGENT BUSINESS

12/00454/FUL & 12/00460/FUL: Redetermination of Appeals for Proposed Wind Turbines at Hall Farm and Park Farm, Klondyke Lane, Thorpe Satchville, Melton Mowbray

The Head of Regulatory Services explained that the appeals had been returned to the Inspectorate following the quashing of the decision by Judicial Review, and that the Inspectorate had invited revised representations in the light of the time that had passed. He introduced a draft Supplementary Appeal Statement and sought the Committee's permission to represent the Council in accordance with its content.

Cllr Botterill proposed approval of the report.

Cllr Simpson seconded approval of the report.

A vote was taken: 8 voted to approve the report and 1 abstention.

DETERMINATION: The Committee agrees the Supplementary Appeal Statement is submitted as the basis for the Council's revised position on the appeals, and authority is delegated to the Head of Regulatory Services to amend the statement in the light of any additional changes in circumstances that occur before its submission date on 13th May.

The meeting commenced at 6.00 pm and closed at 8.21pm