



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

04 September 2014

PRESENT:

PM Chandler (Chair), J Simpson (Vice Chair), P Baguley,
G Botterill, G Bush, P Cumbers, A Freer-Jones, E Holmes,
J Illingworth, MR Sheldon

Solicitor to the Council (HG), Regulatory Services Manager (PR),
Planning Officer (DK), Administrative Assistant (AS)

D33. APOLOGIES FOR ABSENCE

None

D34. MINUTES

Minutes of the meeting 14 August 2014

The Chair stated that there was an amendment required on the front page regarding substitution and that it should read Cllr Moncrieff for Cllr Bush.

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Simpson. The Committee voted in agreement. It was unanimously agreed that the Chair sign them as a true record. Cllr Bush abstained as he was not in attendance at the previous meeting.

D35. DECLARATIONS OF INTEREST

Cllr Botterill stated that he had a personal interest in application 13/00552/FUL and left the meeting for the duration of the discussion regarding this.

The Chair stated that she had been on the licencing committee that granted the licence for application 14/00390/COU. However she had been cleared by the solicitor of the council to determine this application.

D36. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00552/FUL
Applicant: Mr I Hawley
Location: Field 0003, Main Road, Brentingby
Proposal: Installation and operation of one 50Kw wind turbine with a tip height of 46m on agricultural land at Hall Farm on field no. 0003 (co-ordinates 477996/318992)

- (a) The Planning Officer stated that: There is an incorrect reference on page 12 and 14 which states that the turbine having been removed was closest to the village - it was not it was 300 metres further to the west however as advised at the site inspection it had a more visual association with the listed buildings to the south of the village. It is considered that this error has not altered the assessment as it is not part of the consideration having been removed from the proposal. The consideration is for the installation of one turbine to be located to the northwest of the village.

Since publication of the report two further letters of support have been received. They state that supporting green energy and reducing the carbon footprint of the farm is a good thing and given that Mr Hawley will be supporting the upgrading of the wiring in the village to support the transfer of the electricity this can only be a positive thing for the village residents.

The proposal seeks consent for the installation of 1 turbine to the hub height of 36.4 tip height of 46m this is the same size as turbines erected at Frisby and Thorpe Satchville. The energy produced from the turbine would be transported to the farm with any surplus fed back to the grid. The applicants are prepared to upgrade the single phase electricity supply to three phase as they often experience power dips. Whilst this would be of benefit to the whole village it does not form part of this application. The matters for consideration relate to an assessment of harms upon the landscape, residential amenity and heritage. The closest residential dwelling is Woodend farm which is situated to the south of the turbine at a distance of 330 metres. It is understood that the occupiers of Woodend have undertaken some hedge removal and tree felling recently which will now expose the turbine however given the separation distance, topography and size of the proposal it is not considered that the presence of the turbine would render the property an unattractive place to live. The separation distance exceeds the distance required to prevent any noise impacts upon the residents - this if fully considered on pages 4, 5 and 15.

There are two listed buildings in the village and matters relating to heritage are fully considered on pages 8-14. The turbine is sufficiently set back and well screened by existing agricultural buildings and natural vegetation, aided by the rising topography that it is considered that there would be no harm to the setting of the heritage assets. The proposal is considered to be supported in terms of principle by national policy in the NPPF as contributing to the wider aims of encouraging renewable energy and decarbonising the economy. It is also considered that the proposal will not adversely affect the character and appearance of the area or the setting of any designated heritage asset to an extent that it is regarded as unacceptable within national guidance.

In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. It is considered that whilst there is the need for a balance between the interests of renewable forms of energy, heritage and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in the NPPF. Accordingly, the balance of these issues is considered to favour the installation of a single wind turbine.

The site is considered to have adequate access arrangements and to pose no risk to highway users. Having considered all the issues, in this instance, the proposal is considered on balance to be acceptable and is therefore recommended for approval.

(b) Frances Waberski, on behalf of Freeby Parish Council, was invited to speak and stated that:

- The turbine would be sited in open countryside and spoil the view
- It is designated as an area of unspoilt countryside in the local plan
- It would be visible from various public vantage points especially the footpath E20
- It would compromise the setting of the Grade II listed buildings in Brentingby
- The turbine is in contravention of the NPPF as it wouldn't make a positive contribution to local character and distinctiveness
- The need for renewable energy does not override environmental protection or the planning concerns of local people
- The majority of the local residents are opposed to the application and can see no advantages to the local community.
- No one wants or needs 3 phase electricity
- There have been no wind tests carried out regarding the reduction in CO₂ emissions and the production of electricity
- It is a designated wildlife site
- Solar panels or a smaller turbine would have had minimal impact

- The location plan is incorrect

Cllr Bush asked for clarification regarding why there is no requirement by residents of Brentingby for 3 phase electricity

F Waberski responded that they don't need it and there are no other businesses in that area that require it

The Chair stated that planning is for the future so this should be considered as well

Cllr Cumbers asked for clarification regarding the statement that a smaller turbine would produce the same affect

F Waberski responded that a large turbine would create excess electricity whereas a smaller one would just provide for the farm

Cllr Cumbers felt that this was incorrect as a smaller turbine couldn't produce the same effect

F Waberski replied that in terms of the size of the business a larger turbine wasn't necessary

(c) Kim Kettle, on behalf of the supporters, was invited to speak and stated that:

- Dairy farmers generate about 9% of the UK's greenhouse gases
- The dairy industry has committed to the UK government to do their part in reducing greenhouse emissions
- To do this they have signed up to the dairy road map
- Farmers required by 2015 to generate 40% of their energy from renewable sources and to ensure 70% of all the materials on the farm are recycled or recovered
- The UK has got to meet its climate change commitments
- The energy generated will be used by the farm with only the surplus being exported back to the grid
- To meet targets we need to support the dairy farmer

(d) Julia Hawley, on behalf of the applicant, was invited to speak and stated that:

- It's an historical family business
- It's a mixed farm with the mainstay being a milking herd
- The farm has won national and county environmental and educational awards for work enhancing biodiversity
- Dairy prices are plummeting so the proposed turbine would -
 1. provide farm diversification income

- 2. reduce energy costs
- 3. offset greenhouse gas emissions
- 4. improve the local electricity infrastructure
- Brentingby is still only on single phase electricity which threatens the viability of the farm which restricts the ability to either diversify or expand the herd which is currently well below the national average of 127 cows
- We will update current local supply to three phase which will benefit at least one neighbour whose business requires it
- The overhead line will be moved further away from domestic properties and flicker and voltage fluctuations that effect Brentingby will be eliminated
- Cattle farmers need to invest in renewables to offset and reduce their carbon footprint
- The proposed site is partially screened by trees and has been carefully chosen
- It's in an area identified as suitable for turbines in the 2011 low carbon opportunities report
- The farm had the wildlife area designated at their request and will continue to uphold this
- Mitigation plans are in place for ecology and archaeology

The planning officer responded that whilst the landscape could be considered unspoilt, it did not have any national designation as it is just pasture land. It is a wildlife site and consultations have taken place with the ecology departments and mitigation is in place. They are satisfied and understand they are helping biodiversity. The turbine site is in the ownership of the applicants.

Cllr Holmes stated that she isn't against wind turbines for farms however this proposal is in direct line of Woodend farm and not near Hall Farm. Cllr Holmes confirmed that three phase electricity is up on the top of the hill so is not required by any other farms. She agreed with green energy but not the location of the proposed turbine due to the size, the visibility of the moving blades and there would be too much concrete and a massive construction in a wildlife area.

Cllr Holmes proposed to refuse the application on the above grounds. **Cllr Simpson seconded** the proposal. Cllr Simpson concurred with Cllr Holmes regarding the reasons for refusal. Cllr Holmes commented that if the application was approved there should be money set aside to fund removal works in 25 years time.

The Chair commented that there is no proof that the wildlife wouldn't come back once work was completed.

The Regulatory Services Manager advised that the members would be refusing on the grounds of visual impact due to the motion of the blades, size and location and because they considered that in this case the harm to the landscape was greater than the benefits of the development. This was based on their assessment of the likely impact of the development, including visiting the application site. He advised

members that there was no wildlife objection to the proposal and that there was no evidence to support these grounds for refusal. He stated that on balance the benefits are greater than the harms and that the wildlife grounds would be difficult to substantiate based on the evidence in the report on page 7.

Cllr Freer-Jones asked for clarification regarding mitigation of the site regarding wildlife.

The Chair responded that the applicant has to meet the standards set by DEFRA and that it is the higher level stewardship. The farm would get a subsidy for meeting the higher level.

The Regulatory Services Manager confirmed that the proposed mitigation is that there would be a contractor's compound during the construction phase to ensure there is no harm to the site during that time. It is in the higher level of stewardship but that is something between the applicant and DEFRA.

Cllr Freer-Jones asked for clarification regarding the archaeology aspect of the report.

The Chair confirmed that the proposal would not have a detrimental impact upon any designated heritage asset.

The Planning Officer responded that Leicestershire County Council ecologists have no objections subject to condition 3.

Cllr Simpson wished to clarify the reasons for refusal. She stated that the reason for refusing permission was

The turbine would have a strong presence in Brentingby. It would become one of the main visual elements in the immediate landscape. It would impress itself on residents, visitors and those passing through the village. The effect would be so pronounced that this small rural settlement would become overwhelmed by the presence of a turbine in such close proximity creating a negative impact and the appearance of this to the ancient rural settlement. The visibility and presence would exceed that of any immediate existing local feature. The development would constitute a prominent feature in open countryside which would fail to protect or enhance its distinctive local character and it is not capable of mitigation or adequate compensation. It's contrary to the provisions of policy OS2, of the adopted local Melton plan and the objectives of the Midlands regional plan and the guidance in the NPPF in relation to sustainable development, design, renewable energy and the natural environment.

The Regulatory Services Manager advised the members that the regional plan has now been superseded and should not be referred to in the reason

Cllr Cumbers added that with regards to the archaeology aspect, it shouldn't be seen as a problem and special care should be taken.

Cllr Baguley commented that she wouldn't support refusal as the benefits of the proposal outweigh the harm and that we need to support our farmers. She didn't feel the turbine is that big and she gave her support for the application and officers recommendations.

Cllr Simpson commented that it's a very small place and that the number of objections received were probably more than the number of residents in Brentingby. It is an unsustainable village and that the turbine is not wanted there. Cllr Simpson believed that solar panels would have had much less impact.

Cllr Holmes agreed with Cllr Simpson and believed we should take notice of the smaller number of oppositions. She added that she is not against green energy but believed for this application two smaller turbines or solar panels would have been more suitable.

Cllr Sheldon added that the turbine would be there to serve farm and to increase stock and profitability. If this helps the business to grow I would support it. The farm supports other businesses and a wider area.

Cllr Bush agreed and didn't feel this turbine will have any impact on views. He felt there was no reason not to support the application.

The Chair added the report states that the electricity supply in the area is irregular and that something needs to be done about it.

Cllr Simpson proposed that the members have a recorded vote for this application.

The members discussed this and decided that it should be up to each individual to say if they wish for their vote to be recorded.

Cllr Illingworth stated he may abstain as he could see both sides and also that he didn't support the recorded vote.

Cllr Cumbers stated she couldn't support refusal.

Cllr Holmes added that if the application was approved that she would like there to be money put aside so after 25 years the turbine can be removed.

Cllr Simpson added that she would like to add C2 as a reason for refusal instead of the regional plan.

A vote was taken. Two members voted in favour of refusal of the application. Five voted against refusal and there were two abstentions. Cllr Simpson and Cllr Holmes asked for their votes to be recorded. They had both voted in favour of refusal.

Cllr Sheldon proposed to move to permit.

Cllr Cumbers seconded this but wanted a condition in place to fund the removal of

the turbine in future and that she would like condition six on page 21 excluded.

The Regulatory Services Manager responded that a Section 106 agreement could be put in place for a bond to be held to fund removal of the turbine.

Cllr Holmes asked for clarification regarding the length of the Section 106 agreement.

The Regulatory Services Manager confirmed that the agreement can be worded to state for the lifetime of the development.

The Chair asked if the council solicitor could confirm that this agreement would be allowed.

The solicitor responded that the application could be subject to this agreement and that it would be when a specified trigger is reached.

A vote was taken. 5 members voted in favour to allow the application. 2 voted against and there were 2 abstentions. Cllr Cumbers asked for her vote to be recorded. She voted in favour to allow.

DETERMINATION: Planning permission granted subject to a Section 106 Agreement to provide a financial bond to be held to secure the removal of the development, if necessary, when power generation ceases and subject to the conditions set out in the committee report.

-
- (2) **Reference:** **14/00390/COU**
 Applicant: **Mr & Mrs Saunders**
 Location: **Ladywood Farm, Bruanston Road, Knossington**
 Proposal: **Change of use from agricultural barn to wedding and**
 function venue.

Cllr Botterill returned to the meeting at 6.51pm

- a) The Planning Officer stated that: Since publication of the committee report comments have been received by Rutland CC Highways Authority. They have no objection to the proposal subject to being party to the consultation on the event management plan as detailed at condition 1 and requests that a further condition is imposed to require a Traffic management Plan to be submitted alongside the Event Management Plan and approved by both Rutland and Leicestershire CC which is to include provisions of an agreed temporary sign schedule and location plan.

As the traffic routing plan shows that traffic will be directed through Rutland County a contribution has been requested for the maintenance and upkeep of the highway and the applicant has agreed to the request and it will be written into the unilateral undertaken as part of the application.

We consider that that the requests are reasonable and related to the development and request that the additional condition be imposed under delegation.

(“The Events Management Plan must include a Traffic Management Plan, approved by both Leicestershire Highways and Rutland County Council Highways to facilitate the control of traffic on the surrounding road network. This must include the provision of an agreed temporary sign schedule and location Plan, in accordance with the Traffic Signs Regulation and General Directions 2002. The signs must be installed by suitably qualified personnel”.)

Further representation has been received by the Parish Council and two further letters of support.

The Parish Council maintain their objection as detailed within the report pages 5-8 but have asked for clarification on the term ‘events’ and should approval be granted a condition restricting the number of events and hours of trading.

They still maintain that a full acoustic report be commissioned and then conditions imposed restricting the decibel level at the boundary of the property. And suggest that a condition be imposed to require road improvements and signage.

Condition 4 restricts the number of events and there is the offer of the Unilateral Undertaking which also restricts the events to 25 along with assurances that only the current operators will be able to hold events on site – in affect restricting to a personal consent preventing any event management company from trading from there. The hours of use are stipulated within the Licensing application.

As detailed on page 4 and 5 noise assessments have been carried out and the Environment Health Officer has visited the site when an event was taking place and subject to the mitigation proposed has no objection to the proposal.

Condition 5, 6 and 7 address the issue of noise and will safeguard residential amenity.

In regards to road signage and improvements this is assessed on pages 3 and 4 of the report and within the update. Rutland CC and Leicestershire Highways have no objection subject to condition 1-3 being imposed.

The support offered is providing the personal consent exists and that the events are restricted to 25 a year. One makes reference to weddings only and no other event.

The application proposes retrospective permission to regularise the works to the building and for its use as an entertainment venue. Whilst the predominant use would be weddings it is not suggesting that other events would be restricted.

The conditions suggested restrict the events to 400 people and safeguards against noise and traffic management issues. It is not therefore considered necessary to distinguish between a type of event as the primary concern is to protect residential amenity and highway safety which can be achieved regardless of there being a wedding or party event.

The committee are invited to weigh up the harms and benefits of the proposal which is considered not to meet the requirements of policy OS2 as it is not considered to be small in scale but is supported by policy C6 in adaption and reuse of a rural building for commercial purposes. The proposal is supported in general by paragraph 28 of the NPPF which seeks to support a prosperous rural economy that is capable of preserving the countryside location. The building is

considered to be well designed, with consideration of its countryside location in terms of the proposed materials, and the overall height. 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. Therefore, the application is recommended for approval, subject to conditions.

b) Paul McCreesh, on behalf of Knossington Parish Council, was invited to speak and stated that: Residents of Knossington are against this development and that there has been a petition. The proposal is unsuitable for following reasons:

- Transportation and highway safety
- Disturbance and noise.
- Increased traffic on a narrow road
- Increasing disturbance and noise but music is a major issue
- Intrusive and disturbs sleep.

He asked if allowed could the council look at acoustics and could measures be put in place to limit the number of events and noise levels.

Cllr Freer-Jones asked for clarification of how often these events are.

P McCreesh responded that it is almost every weekend

Cllr Holmes asked if they could hear noise inside.

P McCreesh responded that it is a well-designed building but that they could hear the noise both inside and outside of their homes.

The Chair added that the guests should be inside the venue after 11pm

P McCreesh responded that it still has impact and that 11pm is quite late especially on a Sunday evening.

Cllr Cumbers stated that she could sympathise regarding the music and voices as they carry and this is also dependant on weather.

P McCreesh confirmed that it is general partying noise and that traffic management is a concern as at the end of the night when guests are leaving they can get lost due to lack of signage and this causes people to be shouting out for directions and people slamming car doors. This can be quite late in the evening and disruptive.

c) Paul McCreesh, on behalf of the objectors, was invited to speak and stated that: due to the construction of building amplified music carries across the village. He has had a report from Ross Thain saying that this issue has been addressed however there is no evidence to back up the figures regarding noise. There is no

acoustic curtain or air conditioning in building which will cause guests at events to open windows and doors. It affects quality of life of residents and that the stipulations for events are not always adhered to.

Cllr Botterill asked if the noise has been audited.

P McCreesh responded that it hadn't as they didn't have the budget to have it done and wondered if the council could arrange this.

d) Ross Thain, the agent for the applicant, was invited to speak and stated that: the change of use was required so that the building could be used as a wedding venue rather than the marquee. They have a PRS licence for recordings to be played and were granted consent for this in 2012. They were granted a Premises Licence from Melton Borough Council in 2014 for regulated entertainment. If the change of use was approved they would put controls in place. Noise surveys have been carried out and the levels were deemed to be acceptable. The independent report was carried out during an event in July. The event was not audible and the closest property and not audible in the village itself. They would be monitoring all future events. There are no traffic issues. There would be 25 events in a year. They would be providing employment and sustainable use of the buildings.

Cllr Freer-Jones asked if the noise survey had been done from the boundary of property and who had undertaken the survey.

R Thain replied that Richard Watson of Blue tree had carried out the survey and that local residents had also been involved and they didn't hear music at closest property and that there was no noise in village.

Cllr Baguley asked if it was live or recorded music.

R Thain replied that it had been both.

Cllr Cumbers asked if conditions could be put in place regarding the noise.

The Regulatory Services Manager stated that conditions were proposed relating to noise and the traffic movements.

Cllr Baguley stated that she was concerned about noise and asked for clarification regarding 25 events, as some events can last for over 3 days. It would be disturbing for residents. She asked if they could limit times for playing music.

The Regulatory Services Manager suggested conditions could be put in place relating to the sound levels. Condition 5 refers to the noise limit of equipment in building itself. They could also limit the hours of use due to residential amenity.

Cllr Cumbers referred to condition 6 and stated that she could see the point but found it unreasonable.

The Regulatory Services Manager responded that they need to consider if it is reasonable/enforceable. After 11pm people would be directed outside should they need to smoke and this would be in a designated/defined area.

Cllr Cumbers asked how it could be enforced if people choose to go outside.

Cllr Illingworth commented that the applicant had been operating for six years without the relevant licence. He also wanted the 25 events clarified and a condition inserted that if the noise levels were found to be unacceptable that they could further reduce them.

The Planning Officer confirmed that the events are restricted to 25 weekends per year and this could be a Saturday and Sunday. They are not necessarily going to have 25 events. She also responded that with regards to operating for six years without a licence had been investigated recently because of a complaint received.

The Chair asked if it was to include Friday nights.

Cllr Cumbers asked for definition of a weekend

Cllr Bush added that he has experience similar issues at his cricket club which is a similar type of building. They had an 11pm lockdown to contain music within and it worked for and they were much closer to residential houses than the current application.

The Regulatory Services Manager commented that there was an event management plan which was in place for 25 weekends within a year. He agreed it could be more explicit and confirmed that on occasion an event may begin on a Friday and run into a Bank Holiday Monday.

The Chair commented on page 7 of the report and stated there should be precise timings for a 4 day stretch on a Bank Holiday weekend.

Cllr Holmes stated that on the site visit she had found it very warm in the building and felt that with 400 people inside they would need the doors open. She felt that 50 days is too much. She suggested they lag inside and put drapes up to minimise the noise. She asked if these conditions could be put in place.

Cllr Simpson asked what the distance was between the patio and the nearest property.

The Planning Officer confirmed that Knossington to the west 1.2 Kilometres, Lodge Farm sw 485m , Ingles cottage sw 520m and Ladywood Lodge SE 623m and no complaints had been received from the nearest resident.

Cllr Simpson commented that if conditions were adhered to and that there were no complaints it was a good thing.

Cllr Baguley commented that they shouldn't put any unreasonable conditions in place as it is a business. **Cllr Baguley proposed to allow** the application if there was a condition in place regarding the noise.

Cllr Freer-Jones seconded the proposal. She felt it was a sustainable business and agreed with limiting noise on Sundays and that there should be restrictions in place regarding times.

Cllr Botterill asked if the building was air conditioned and if the building was suitable for this purpose.

Cllr Cumbers commented that perhaps no one should use the patio to eliminate the possibility of noise.

The Regulatory Services Manager commented that perhaps the condition should be re-written so that no one should be on the patio at all after 11pm and that this would be easier to clarify and easier to enforce.

Cllr Holmes asked if air extraction fans emit noise from the building or carry music out.

Cllr Sheldon proposed to defer the decision and that they should get a legal opinion regarding noise and conditions. They shouldn't make a decision until they have further information.

Cllr Botterill seconded the proposal

A vote was taken. 8 members voted in support of deferral and 2 were against.

The Planning Officer stated that the event management plan will set out what they propose to do and clarify the number of days per event. This will be submitted prior to any event taking place.

DETERMINATION: Determination of application deferred to a future meeting of the Planning Committee when the following will be clarified:

- **Precise definition of the duration of an event and the various activities which may occur on each occasion**
- **Noise assessment and enforcement of related conditions**

(3) **Reference: 14/00499/FUL**
Applicant: 1NA (Melton) Limited
Location: Magistrates Court, 6 Norman Way, Melton Mowbray
Proposal: Conversion and new build works to form nine residential units

- a) The Regulatory Services Manager stated that: Planning permission is sought for the conversion of the former Magistrates Court on Norman Way to form 9 residential units; 8 residential units in the converted existing buildings and the construction of one attached new build residential unit. Access to the car park is via the existing entrance way off Norman Way.

The site is located within both the town centre and Conservation Area for Melton Mowbray and the building is also Grade II Listed. The site is surrounded by a variety of different uses – to the north of the site is Norman Way with commercial units opposite, to the south and east is a municipal car park and retail units lie to the west.

The proposed development mainly sits within the existing footprint and floors of the building complex. A small extension is proposed to the south west of the site to form a new build residential unit.

The application is to be considered by Committee because it represents a departure from the Development Plan policy relating to the provision of affordable dwellings

No updates since publication of the agenda

Accords with Local Plan policies OS1 and BE1 (dev in built-up area, design layout, res amenity etc) but not Policy H7 (affordable housing) and therefore is a departure

Would usually expect 40% affordable housing

Exception in this case, because the building is an important part of Melton's heritage and this development would help to secure the continued use of the building as a whole for the foreseeable future. It would help to enhance the character and appearance of the LB and Conservation Area.

An independent viability assessment had been submitted and assessed and agreed that the development would not be able to proceed if affordable housing were provided.

.In this instance conserving & enhancing the historic environment should be given more weight than delivery of affordable housing. Accepted that it would be contrary to Policy H7 and NPPF objectives.

In their consultation response the Housing Policy Officer identified need, but accepts exception in this case

Melton & District Civic Society raised no objection and welcomed the beneficial re-use of an important listed building .

Noted that conversion would be implemented with minimal changes to listed building.

- b) Nick Grace, agent for the applicant, was invited to speak and stated that: he declined to speak due to there being no objections regarding this development. He stated that should the application be approved the conversion will take place as is it not in the interests of the developer not to do so.

Cllr Cumbers asked if the gap between the new build and the existing boundary wall been dealt with.

N Grace confirmed that it had been discussed since the site visit and that measures will be put in place to deal with any issues that may arise from it. He added that it was a very small place so couldn't foresee any major issues arising from it.

The Chair asked for confirmation that the bin store would be big enough

The Regulatory Services Manager commented that he would check with building control and have it amended if necessary.

Cllr Illingworth proposed to allow the application. **Cllr Botterill seconded** the proposal. A vote was taken and members voted unanimously to allow.

DETERMINATION: Approved subject to conditions in committee report

- (4) **Reference:** 14/00563/TCA
 Applicant: Mr M Graham
 Location: The Cottage, 1 Main Street, Sproxton
 Proposal: Fell 4 Leylandii trees, crown lift 1 Holly tree, crown lift and crown clean 1 Beech tree, 2 Sycamore trees 2 Ash trees and dead wood, reduce limb growing into Copper Beech tree

- a) The Regulatory Services Manager stated that the application is only before the committee as the applicant is a Member of Melton Borough Council
The felling of 4 Leylandii at the rear of the site ,would have no adverse impact upon the conservation area. The trees are currently causing damage and not worthy of a TPO
The works proposed to the other trees are general maintenance which is accepted
There were no updates following publication of the agenda
Cllr Holmes proposed to allow the proposal and **Cllr Baguley seconded** the proposal. A vote was taken and members voted unanimously to allow.

DETERMINATION: The trees are not worthy of a TPO and the works are considered to be acceptable.

D36. Enforcement Report: 14/00131/FUL Hall Farm, Klondyke Lane, Thorpe Satchville

The Regulatory Services Manager explained that a complaint received in August 2014 questioned whether the developer had complied with the landscaping condition.. The condition requires a dense 3 metres high planting on the southern side of the site to be provided before the installation of the solar panels. The reason for the condition was in the interests of residential and visual amenity. The applicant has carried out the landscaping , it meets the reason of the condition and is satisfactory.

Cllr Orson was invited to speak regarding the application. He stated he was representing the views of the local residents and that there has been a breach of planning conditions.

Cllr Botterill asked for clarification of what the breach is.

Cllr Orson stated that a 3 metre hedge should have been planted and that the condition was clear.

The Chair commented that it is difficult for farmers at this time of year regarding planting and getting plants that are large enough.

Cllr Cumbers asked what harm has the lower planting caused.

Cllr Orson responded that the solar panels are visible and that they are concerned about planting on top of the bund as it will become unstable.

The Regulatory Services Manager pointed out that in condition 9 it states if plants die or fail then there is a requirement for them to be replaced.

Cllr Freer-Jones commented that the hedge will grow to the height required and the fact that it isn't currently at the correct height is a technicality.

Cllr Bush commented that it was an excellent job using clever planting.

Cllr Illingworth commented that the condition hadn't been complied with as the hedge was not 3 metres high or dense. However time would correct this and he felt that the members shouldn't make decisions regarding conditions without the correct knowledge of the condition they are imposing.

Cllr Cumbers commented that the works carried out meets the objectives and that the officers don't believe the condition has been breached. She also commented that there is no photographic evidence to prove that people can see the solar panels from a distance.

Cllr Baguley commented that they couldn't be seen on the site visit and didn't think there had been a breach of condition.

The Regulatory Services Manager commented that the solar panels are not readily visible from the road but they are visible from a public right of way. The view of officers is that the landscaping does meet the requirements of the condition and that there is insufficient justification to take enforcement action.

Cllr Botterill proposed to support the recommendation that the works meet the objectives of condition 8 of 14/00131/FUL and that no further action was necessary Cllr Holmes seconded the proposal. A vote was taken and the members voted unanimously to support the recommendation.

The committee meeting was adjourned at 8.27pm. Cllr Illingworth was excused from the meeting. The meeting was reconvened at 8.32pm.

D37. Planning Permission 12/00703/EXT Residential Development At Long Clawson Dairy, 7 Langar Lane, Harby
Application to vary the affordable housing provision

The Regulatory Services Manager introduced the item. He explained that

outline planning application for a development scheme of 8 new residential units, and change of use to form 1 unit from industrial to residential at Long Clawson Dairy, 7 Langar Lane, Harby. The Committee granted permission for the scheme subject to a S106 agreement to secure:-

- (i) 40% Affordable Housing, 25% Intermediate Affordable Housing and 75% Social Rent.
- (ii) Civic Amenity Contribution
- (iii) Library Contribution
- (iv) Village Hall Contribution (£13973.00)

The application seeks to remove the affordable housing element of the application.

The applicants had submitted viability information which they claimed supported their assertion that the site could not support any affordable housing. This authority had commissioned an independent assessment which questioned this approach, in particular the cost of converting existing buildings on the site. After further consideration the developers are now proposing that they would provide 2 affordable units instead of the 4 which were originally planned.

There are 2 options for members, they can allow 2 units rather than 4 or the request can be refused and the developer could proceed with the 4 units that were agreed. It is felt that 2 units would be a reasonable compromise.

Cllr Baguley who is the ward councillor stated that building sites within villages are scarce but there should be the correct mix of housing sizes and types. If we insist on a large numbers of affordable housing on small

developments we would run the risk of losing the developer all together.

The Chair commented that Cllr Rhodes who is Cllr Baguley's fellow ward Cllr agreed with this but would want a condition in place not to allow the developer to come back and change the application again.

Cllr Baguley commented that the developers are conditioned to much they would tighten the budget and then the houses wouldn't meet the needs of the occupants.

The Regulatory Services Manager commented that they were only referring to the Section 106 agreement not any other part of the application ..He assured Members that if they were concerned about the details which would be submitted as Reserved Matters these could be reported to committee. This approach was generally supported.

Cllr Freer-Jones commented that this was the third application in as many meetings that wanted to make changes to the affordable housing provision and that they need to make a statement that we are going to insist on compliance in future but on this occasion the application to vary should be allowed.

Cllr Holmes commented that the housing associations must follow up on their agreements.

The Chair commented that they are able to withdraw if they can't meet the funding.

Cllr Baguley proposed to allow to vary the condition as option a) in the recommendation **Cllr Holmes seconded** the proposal. A vote was taken and the members voted unanimously to support the variation of the Section 106 as proposed.

D38. URGENT BUSINESS

The Chair commented that Scalford brickyard site would be discussed again on 2nd October 2014

The meeting commenced at 6.00 pm and closed at 8.47pm