



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

13 March 2014

PRESENT:

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

As Substitute

Cllr Rhodes for Cllr Chandler

Solicitor to the Council (HG), The Head of Regulatory Services  
Regulatory Services Manager, Planning Officer (DK)  
Administrative Assistant (JB)

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D76. APOLOGIES FOR ABSENCE

Cllr PM Chandler.

D77. DECLARATIONS OF INTEREST

None.

D78. MINUTES

Minutes of the meeting 30 January 2014

- a) Cllr Freer-Jones noted that on page 162 there was an omission to some points debated regarding the extension of opening hours. She asked that the minutes

be amended to include “Sainsbury’s have already extended the hours they originally proposed. This extension could lead to further requests, which is against their original proposal. This will affect residents living nearby.”

- b) subject to a) above, the Minutes of the Meeting held on 30.01.14 were proposed by Cllr Holmes and seconded by Cllr Botterill. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

The Chair noted that the first application scheduled on the agenda had been withdrawn due to amended plans being submitted by the applicant.

#### D79. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00846/FUL  
**Applicant:** James Mountain Esq. Hallmark Power Ltd  
**Location:** Frisby Grange, Leicester Road, Frisby on the Wreake  
**Proposal:** Installation of one Endurance 50 Kw wind turbine ( with a hub height of 36.6 metres and height to tip 46.3 metres) including an electrical kiosk and associated temporary infrastructure

- (a) The Regulatory Services Manager stated that:

Mr Hawthorn, an objector who spoke at the previous Committee meeting was unable to attend that evening and had asked that the Members postpone their determination of the application in order for him to be available. He went on to note that should Members not be minded to defer the application Mr Coleman would speak on Mr Hawthorn’s behalf.

The Chair noted that the application had been deferred once already.

Cllr Botterill stated that he believed that the application should be heard. Members unanimously agreed.

The Regulatory Services Manager continued with his report, starting with the

updates to the report previously circulated to Members. There had been a further 28 objections, 2 expressions of concern and 5 of support. Three new issues had been raised (Health issues, Highway safety and Reference to a recent decision made by the Authority on the same turbine type) other relevant matters had already been addressed in the officer's report.

The application is for one wind turbine at Frisby Grange to south of Leicester Road, south of Frisby, north of Gaddesby and west of Kirby Bellars. The height of the proposed turbine is 46.3m.

The primary points are:

- Impact on the character and appearance of the area
- Impact on residential amenity

Regarding the character of the area:

- it is farming land and not designated.
- The nearest settlements are set down in the valley over the ridge and not visible from the site
- Gaddesby is some distance from the site, there are no direct views from the village to the site
- Page 7 of the officer's report details landscape impact issues and concludes that no significant effect on views of the area are expected.

Referring to comments received regarding photomontages: whilst a useful representation they do not capture all issues of a site which is why other methods of evaluation are taken into account (such as site visits). The Regulatory Services Manager displayed different photomontages submitted to Members and itemised where each was located.

Regarding Heritage assets: assets in the area include a scheduled ancient monument, listed buildings and conservation areas. These are detailed on pages 16 to 18 in the officer's report.

A map prepared by the department displaying all locations of proposed, approved and built turbines was shown on screen. This aided Members and Officers to evaluate cumulative impact.

Impact on neighbours was demonstrated by means of a plan of the location shown on screen and nearest dwellings detailed. The Elms is situated about 600m away with Holly Lodge Farm to the north and Elms Cottages to the south, both a little further away. There are areas that the turbine will be visible from but it has been

assessed that the impact is not sufficient to recommend refusal.

It was explained that Pages 11 and 14 of the report detail issues regarding noise. The government recommended ETSU assessment had been used and checked by the Council's own Environmental Health Officer who concluded that no noise disturbance would be perceived at the nearest dwellings.

The officer's report details other relevant matters including the Statutory Consultee replies. The Regulatory Services Manager invited Members to ask if any questions on those matters if needed.

Regarding issues raised in the latest objections:

- Health: concerns of Wind Turbine Syndrome had been noted. The ETSU assessment concluded that no impact on residential amenity can be identified and therefore cannot reasonably recommend refusal on health concerns.
- Highway safety: concerns regarding flicker and visual disturbance especially on the A607 – Leicester Rd. The road is over 1km away from the site; it is the assessment of the officer that there was insufficient evidence to find that concerns were justified. Also, the County Highways had not objected to the application.
- It was noted by objectors that an application for an identical turbine proposed at Hall farm in Thorpe Satchville was refused and therefore they believe this one should also be refused. The Regulatory Services Manager reminded Members that each application should be considered on its own merits and each site had its own unique setting.

Regarding the 5 letters of support:

- It had been noted that the application helps to meet the UK government's renewable energy production targets
- The proposal will support the local area
- The site had been chosen to minimise visual intrusion
- Some information which had been circulated by objectors was incorrect and misleading.

The Regulatory Services Manager stated that the recommendation is to grant permission subject to conditions set out in the report.

(b) Cllr Dr Thew, speaking on behalf of the Parish Council (PC) was invited to speak and stated that:

- Sole advantage of the proposal was the contribution to the national target for renewable energy production however the disadvantage of the adverse

impact on the landscape would not be outweighed due to the insignificant amount of energy that the turbine would produce

- All the PCs in the area object to the application
- The height of the turbine can be compared to other major structures – as displayed on screen [images supplied previously by Dr Thew]
- A further image showed an example of how photomontages do not represent the actual visual impact of proposals
- Whose opinion was most relevant? We have to live with it so our opinion is important and should be considered
- There was no national strategy on turbines yet
- Image 3 was shown to Members revealing what had happened elsewhere [image was of a landscape with around 60 turbines throughout it]
- There was nothing wrong with turbines but they had to be in the appropriate places
- Single turbines should not be placed haphazardly around
- Previous reasons for refusal to an identical a turbine [quoted] should be repeated for this application in the interests of consistency.

(c) Mr Coleman, speaking on behalf of Mr Hawthorn was invited to speak and stated that:

- The turbine will be visible from local footpaths, bridleways and highways
- There is a lack of coherent policy regarding turbines
- Turbines are a 'green vandalism' driven by greed
- The photomontages are not a true representation as the wide angle lens reduces the visual impact. There were no photomontages from the footpaths where the turbine will be seen and have a huge impact
- It will be an unwelcome intrusion on the area – residents do not want even one in the area. Pylons currently there have a useful and economic purpose
- Turbines are only erected due to the subsidies offered and these are now being scaled back
- This turbine could set a precedent. At the last count there were 17 applications in area for 39 turbines
- Do you want the area to be the 'rural capital of wind turbines'?

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

- The application is for one 50Kw turbine with a height of 46.3m to tip sited on land by Frisby Grange

- The NPPF encourages the production of renewable energy and farm diversification – this application meets both policies
- The turbine will be linked to the farm and the turbine is typical for a farm of this size and be a valuable tool for reducing costs
- No objections had been received from statutory consultees
- Reports from landscape specialists concluded that the landscape can absorb this size of turbine
- The turbine will not be visible from many of the villages in the area and where it can be seen from neighbouring farmsteads it is sufficient distance away not to affect them
- It is considered that the benefits outweigh the disadvantages in this proposal.

Cllr Freer-Jones asked if the turbine will be visually oppressive to nearby farms.

Miss Stacey replied that the landscape assessment and visual impact assessment concludes that it will not be and these conclusions are formed by following objective processes which are itemised in the reports.

The Regulatory Services Manager replied to speakers' comments on the following points:

- Landscape impact and cumulative impact - The impact on landscape has been assessed and is set out in the report. It is acknowledged that the turbine is an extra feature but conclude that the impact is not objectionable in this case
- Dr Thew presented a slide of a wind farm .- It is not appropriate to liken the impact of large wind farms with individual small scale turbines and although cumulative impact is carefully considered each application has also to be taken on its own merits
- Policies - The relevant policies regarding the proposal are set out in the report, including national and local policies and the officer is satisfied that these have been fully considered.

Cllr Freer-Jones requested further information regarding cumulative impact – both from views as travelling through the area and from single viewpoints.

The Regulatory Services Manager replied that cumulative impact assessment conclusions are noted in the report, he went on to say that impacts of the turbine from single viewpoints and from a 'journey' through the area is considered not to

have a significantly detrimental impact upon the landscape; referring to the map before the Members.

Cllr Holmes asked how much of the turbine would be visible from the A607 stating that she believed that as it was in a dip she did not think much of it would be visible.

The Regulatory Services Manager replied that the turbine site would be approximately 1km from the road and in places all of it would be visible. Although road trees and hedges would provide screening from some views on the A607.

Cllr Simpson read from page 12 of the report and disagreed with the conclusion. She stated that the turbine would be a significant feature in the area and believed it would be detrimental to the landscape. She went on to say that other applications for turbines in the area should be considered, especially if the proposed wind farm at Asfordby were to be appealed by the applicants and the turbines at the Melton Airfield site came forward – she added that the cumulative impact of numbers of turbines proposed in the area cannot be ignored. She **proposed refusal of the application**. She questioned why the turbine could not be better sited nearer to the applicants' farm and a better size.

Cllr Wyatt **seconded the proposal to refuse the application** agreeing that the turbine would have a great impact on what currently is a pleasant country scene.

The Chair asked for a list of the reasons for refusal.

The Regulatory Services Manager asked the proposer and seconder to consider the following reasons and make amendments as necessary – summarised as: Impact upon landscape, contrary to policy OS1 and parts of the NPPF, cumulative impact on the wider area and significant impact on residential dwellings due to proximity and height.

Cllrs Simpson and Wyatt agreed.

A vote was taken: 4 for refusal and 6 against refusal.

Cllr Bush **proposed approval of the application** according to the officer's recommendations.

Cllr Botterill **seconded the proposal to approve the application**.

A vote was taken: 6 in favour and 4 against.

**DETERMINATION: APPROVE, for the following reasons:**

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 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 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.

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- (2)    **Reference:**     **13/00719/FUL**  
       **Applicant:**    **Mrs E Ceney**  
       **Location:**    **Field 8787, Dalby Road, Melton Mowbray**  
       **Proposal:**     **Development for a ground mounted solar PV array of 150kWp.**

a) The Planning Officer stated that:

There was a correction to the report on page 5. It should have read “south of the town” not “north of the town” in the first paragraph.

Burton and Dalby PC express concerns that the proposal is not in accordance with the LP policies OS2 and C2. They have a concern in regards to the visual impact of the installation upon the rural landscape and that it could set a precedent for larger scale development elsewhere at the former airfield.

The matters raised are addressed within the Committee Report.

The application seeks consent for the installation of 612 ground mounted Photovoltaic panels to generate 150 kW power to be used by Poultry business adjacent. It is considered that the site is well screened and due to the panels sitting on a fairly flat topography they would not have a detrimental impact upon the rural



landscape.

Whilst not complying with the local plan policies (it is not small scale as envisaged within policy OS2) the NPPF is fully supportive of this type of development where the harms are or can be made acceptable. It is therefore considered that the proposal receives policy support and favours an approval in line with the recommendation.

b) Mr Jamison, agent for the applicant was invited to speak and stated that:

- The energy produced will be used on the site saving 70 tons of CO2 each year
- The proposal accorded with local and national planning policies
- There would be no adverse effects on the landscape due to the position of the site and there would be no loss of residential amenity as there is no smell, noise or vibration caused
- The ecology report was found satisfactory and the applicant is happy to accommodate hedging and screening requirements
- There is ample parking and storage areas for materials on site during construction
- The construction period will be short and use existing access off Dalby Road.

Cllr Botterill stated that he was pleased to see the application as it helps to safeguard energy production in the future and **proposed approval of the application.**

Cllr Bush **seconded the proposal to approve the application.**

Members discussed screening options for the site.

The Planning Officer agreed that a condition could be added to request a landscaping plan to accommodate requests for screening from Members including that it should not shade the site but be from indigenous species.

A Member asked if there was a need for a condition regarding the removal of the equipment at the end of the application period.

The Head of Regulatory Services noted that this type of application is not comparable to other renewable energy applications which made bigger impacts on the landscape after their lifespan and therefore the need for financial provision to assist removal at the end of their life is less clear..

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

**DETERMINATION: APPROVE, for the following reasons:**

**The application seeks approval for the erection of 612 ground mounted solar photovoltaic panels arranged in blocks to the North of GW Padley Poultry Olympic Farm of which will benefit from the energy production reducing CO2 omissions from the commercial premises. The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of any nearby dwellings. The development is not supported within the Melton Local Plan policy OS2, 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'. 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 the Local Plan and Policy OS2.**

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- (3) Reference: 14/00034/FUL**  
**Applicant: Mr M Barnes**  
**Location: Southfields 10 Church Lane Somerby LE14 2PS**  
**Proposal: Agricultural steel framed building to house cattle.**

a) The Planning Officer stated that:

There are no updates to report.

The application seeks full planning permission for the erection of an additional livestock building at the farm. It is not anticipated that the number of livestock would increase however there are no restrictions placed upon the farm business and it would be impractical to do so with the National Policy supporting rural economic growth advising 'the planning system does everything it can to support sustainable economic growth'.

Whilst there has been an objection raised in regards to additional traffic movements and impact upon residential amenity - there are no objections from the Highways Authority and it is considered that the separation distances along with design ensure that the proposal would not have an unacceptable impact upon residential amenity of nearby residents.

The Environment Agency are currently working with the applicant on matters relating to waste and have not raised any objection to the proposal. Accordingly the

application is considered to comply with the development plan and it is recommended for approval.

b) Mr Curtis-Bennett, an objector, was invited to speak and stated that:

- The proposal would be at the bottom of his garden and be visually intrusive
- It would impact residential amenity
- Although it would replace a silage clamp and is argued that this would be an improvement he believed that the cattle in the shed would add to an existing issue regarding effluent from the site
- Why can't the cow shed be put up away from the neighbours and closer to the applicants house?
- Proposals to expand his property had been refused on grounds of traffic issues but this proposal will also add to traffic issues and should also be refused.

Cllr Botterill noted that the application is for a calf house rather than a cattle shed and therefore would not be as invasive as perhaps believed.

Mr Curtis-Bennett replied that it is still basically a cattle shed which would be on the edge of a conservation area and next to the village centre. If the applicant wanted to expand then it should not be in front of his garden and effluent should not be going into a public watercourse.

Cllr Freer-Jones asked who was responsible for the fence at the end of his garden.

Mr Curtis-Bennett replied that he was.

The Planning Officer replied that the Environment Agency had found small amounts of ammonia in the ditch and steps had been taken. Regarding traffic issues raised by Mr Curtis-Bennett: the County Highways department had not objected to the access arrangements and reports indicate that no increase in traffic is expected.

Cllr Holmes noted that calves would produce less waste than cattle and therefore this proposal would have less impact. She went on to say that farms had formed part of village centres for generations and that villagers were accustomed to this and this site was no different. She **proposed approval of the application** stating that the application met requirements for good husbandry.

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

Members discussed the Environment Agency's intervention at the site and agreed that they were thorough and a solution to issues regarding effluent would be dealt with accordingly. They agreed that a calf shed would have less impact than both the silage clamp and a cattle shed.

A vote was taken: 8 in favour, 1 against and 1 abstention.

**DETERMINATION: APPROVE, for the following reasons:**

The application seeks to provide a modern purpose built agricultural livestock building on an existing cattle site. It is considered that the design and location is acceptable and that there would not be an adverse impact upon the residential amenity to nearby residents. The farm is established within the village and no objections have been raised by the Highway Authority as it proposes no changes to the access and parking arrangements within the site.

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Cllr Holmes left the meeting at 7.23pm

**D80. COMMITTEE PROCEDURES**

The Regulatory Services Manager presented the report previously circulated to Members regarding Committee procedures.

Cllr Holmes returned to the meeting at 7.25pm

Members debated the issues raised in the report individually starting with site visit procedures.

The Regulatory Services Manager acknowledged an error with the numbering of the report's recommendations and paragraphs.

Members discussed the benefits of site visits and the benefits of excluding applicants/agents and the public from the visit. They asked if there was any constitutional requirement for Members to attend site visits and if a lack of a site visit would exclude a Member from debating on the associated application.

The Head of Regulatory services stated that there was no requirement for Members to attend site visits but it was good practise. He added that it was the Members own responsibility to make sure that they were sufficiently knowledgeable of the site. He went on to state that Members could debate applications that they had not attended the site visit for but that supplementary visits could be arranged as necessary (and had been previously).

The Solicitor to the Council confirmed that Members could debate applications without attending the arranged site visit.

Members agreed that it was good practise to visit the site, that most Members were aware of the sites (sometimes extensively) and that the officers thorough report was also a valuable tool for Members when considering the application. They agreed that access to site visits should be restricted to the planning officers and the Members in order to minimise disruption and help focus on planning matters while on site.

The Regulatory Services Manager continued his report raising recommendations regarding public speaking procedures at Committees.

Members agreed that changes to procedures recently trialled regarding the questioning speakers after their 3 minute speech had not always resulted in confirmation of facts as was intended. It was agreed that the process was a valuable tool for Members to fully understand speakers' issues but that the Chair needed to mediate questions and decide on their relevance for clarification purposes rather than have questions directly put to speakers by Members.

The Regulatory Services Manager then went on to refer to the 'Public Experience at Planning Committee' as outlined in the report.

Members agreed that gaining more insight into the public's experience at meetings would be helpful and that a 'questionnaire' available at meetings could be a tool to gather feedback. Members agreed that improvements to procedures to meet the public's need while balancing the procedural requirements placed on Members would be beneficial. Members wished to be consulted on the questionnaire before its implementation and that the process should be trialled for a period of 6 months.

Cllr Rhodes agreed with the recommendations to changes in the site visit procedures as put forward in the report and proposed to agree to the changes. Cllr Baguley seconded the proposal to change the site visit procedures. Members unanimously agreed.

Cllr Rhodes proposed that questions of clarification should still be part of the meeting procedure but that they should be directed through the Chair who would determine relevance before the speaker answer. Cllr Baguley seconded this amendment to the officer recommendation. Members unanimously agreed.

Cllr Rhodes proposed that a questionnaire (agreed in advance by Members) should be made available to the public at Planning Committee meetings for a period of 6 months to enable a better understanding of the public's experience at the meetings.

Cllr Bush seconded the proposal. Members unanimously agreed.

**DETERMINATION: To recommend to Governance Committee that the procedures relating to site Inspections be amended in accordance with Appendix 2.**

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D81. ENFORCEMENT REPORT

The Head of Regulatory Services presented a report previously circulated to Members concluding that issues regarding the implementation of conditions relating the development at Sainsbury's supermarket on Nottingham Road had been found unsubstantiated. Enforcement officers had found that conditions had been met and adhered to.

Cllr Illingworth **proposed to note the conclusion of the report.**

Cllr Bush **seconded the proposal to note the report.**

Members unanimously agreed to note the report.

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D82. URGENT BUSINESS

None.

The meeting commenced at 6.00 p.m. and closed at 8.15pm