



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

14 August 2014

PRESENT:

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

As Substitute

Cllr Bush for Cllr T Moncrieff

Solicitor to the Council (HG), Head of Regulatory Services (JW),
Planning Officer (DK), Administrative Assistant (AS)

D27. APOLOGIES FOR ABSENCE

None, however the Chair mentioned that there should be a substitute for Cllr Bush. This should be Cllr Moncrieff however he had yet to arrive.

D28. DECLARATIONS OF INTEREST

None

D29. MINUTES

Minutes of the meeting 12 June 2014

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

Minutes of the meeting 26 June 2014

Cllr Cumbers requested that the last paragraph on page 38 be deleted and amended to state: Cllr Cumbers pointed out that Dr Hanning's report clearly demonstrated his expertise relating to sleep disorders but included no mention that Dr Hanning had

ever worked with autistic children.

Cllr Simpson disputed this, however, Cllr Freer-Jones, Cllr Botterill and the Head of Regulatory Services agreed with Cllr Cumbers request as they had remembered her saying this quite clearly. Six members chose to vote in agreement to make the changes. Cllr Simpson abstained from voting. The chair also abstained from voting as she wasn't present at the meeting of the 26th June.

Cllr Moncrieff arrived at 6.03pm and declared he would be abstaining from voting as he had not been at the previous meetings.

Approval of the Minutes as a true record subject to the above change was proposed by Cllr Freer-Jones and seconded by Cllr Botterill.

Six committee members voted in agreement. Cllr Simpson abstained. It was agreed that the Chair sign them as a true record.

Minutes of the meeting 2 July 2014

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr Simpson.

The Committee took a vote. All committee members that were present at the meeting on the 2nd July unanimously agreed that the Chair sign them as a true record.

Minutes of the meeting 24 July 2014

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

D30. SCHEDULE OF APPLICATIONS

The chair informed the committee that the meeting was being recorded. The chair also reminded members of the public that there were customer satisfaction forms for them to complete if they wished.

14/00399/FUL - The chair notified the members that 2 objectors wanted to speak and did the councillors wish to suspend standing orders and allow this. Cllr Sheldon proposed to allow the request and this was seconded by Cllr Simpson. A vote was taken and the members voted unanimously in favour of the proposal. This now allowed the agent of the application to have six minutes if he so wished.

- (1) **Reference:** **14/00399/FUL**
 Applicant: **Mr G Skinner**
 Location: **Field OS 2200, Clawson Road, Holwell**

Proposal: Erection of a single wind turbine generator with hub height up to 55m

(a) The Planning Officer stated that:

Since publication of the report 7 further objection letters have been received. Four objectors have sent their objection direct to members and therefore are not included within this update.

The Ward Councillor of Hickling, Upper Broughton and Kinoulton has written in stating that they strongly object to this application as there have been a proliferation of turbine applications in and around the Vale of Belvoir affecting both the Rushcliffe and Melton areas. The Vale of Belvoir is a particular beauty spot as the name suggests, 'Beautiful View' and should therefore be protected. The objections are on the following grounds;

1. Effect on the heritage and historic buildings, local churches and the setting of Belvoir Castle.
2. Environmental damage
3. Effect on local residents amenity and health
4. Visual impact
5. Cumulative impact

It is considered that these matters have been addressed within the report.

Two borough Cllrs who cannot be present tonight have submitted comments. Cllr Rhodes states that

"I have received 133 emails and 2 letters about this application. Fewer than 5 messages are in support and the remainder are all opposed. The reasons for opposition are predominantly concerned with the adverse visual impact that this structure would make on the landscape of the Vale of Belvoir. I share those concerns.

In my view a structure of this size in that location would do immense damage to peoples' visual enjoyment of the landscape; it would be seen from almost everywhere in the Vale. I can see no way of mitigating its impact.

I am opposed to the application and urge the committee to refuse it."

Cllr Orson ward Cllr for Old Dalby has requested that the Committee is advised that he fully supports the officers' recommendation.

Comments have now been received from the County Archaeologist who has raised no objection subject to suitable mitigation to safeguard buried archaeology. This could be secured through conditions

Comments have now been received from Rushcliffe Borough Council. They have assessed the impacts upon listed buildings and conservation areas considered that there would be no harm caused to settings of heritage assets within the borough of Rushcliffe but agree that there would be substantial harm to the setting of the grade II listed windmill at Mill Farm.

They also consider that the proposal due to size and location within an important landscape feature for both Melton and Rushcliffe Borough would have considerable impact upon views from a large area of landscape within the Vale including land within the Borough of Rushcliffe acknowledging that it would diminish with distance but would still be a dominant structure.

The officer has also drawn our attention to a recent judicial review (Forge Field Society v Sevenoaks DC). The published conclusions highlight that, notwithstanding paragraph 134 of the NPPF, where any harm, even less than substantial harm, is caused to the setting of a heritage asset the proposal does not accord with the duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As this is a statutory duty it carries greater weight than a material planning consideration and must give rise to a presumption against granting planning permission. Although material planning considerations can outweigh the statutory duty, the benefits arising would need to be significant in order to do so.

The application seeks consent for a single 500 kW turbine with a hub height of 55 metres, tip height of 79 meters, on land associated with Hazeltounge Farm. The energy production would be transported to the National Grid with the farm holding receiving payment via the Feed In Tariff. The money received will assist with the long term sustainability of the farm holding.

Members are invited to consider the proposal and weigh up the benefits of energy production, contributing to the National energy targets against the disadvantages which are considered to be

- The Impact upon the character of the Leicestershire and Nottinghamshire Wolds and the Vale of Belvoir
- Impact upon designated Heritage Assets;
- Impact upon residential amenity; and
- Whether it is a form of sustainable development as advocated within the NPPF.

As reported within pages 10-11 It is considered that a turbine located in this part of the Borough on the ridge overlooking the Vale of Belvoir would introduce a dominant structure which due to its height, could not be mitigated against. The landscape has no nationally recognised designation such as AONB, national park or Greenbelt but this does not mean that the impacts upon the landscape should carry less weight. It is considered that due to the landform, with its escarpments has unique characteristics which is not capable of absorbing a turbine of this size especially so close to the escarpment. The turbine due to its size and positioning would be a dominant alien structure within the landscape.

The turbine would sit within the setting of a grade II listed building being sited 772 metres from the listed windmill at Mill Farm. The Council is required to pay special regard to the desirability of preserving and enhancing heritage assets including its setting. Where harms are identified that cannot be mitigated proposal should be refused unless the public benefits are substantial. Due to the size and location of the turbine it is considered that the impact upon the setting of the listed mill would be significant. The harms identified are considered to weigh in favour of a refusal when balanced against the limited energy production.

Matters relating to noise and residential amenity are addressed within the

report on pages 4-6. The nearest residents are 655 metres away at Threeways Farm and Sandpit Farm. It has been demonstrated that the noise resulting from the turbine would not breach the accepted ETSU guidance out of the range of 570 metres and it is therefore considered that noise would not reduce the residential amenities to an unacceptable level.

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 significant on the landscape and harmful to the setting of the grade II listed windmill; Wind Mill Farm, and the harm arising would be readily visible from numerous public vantage points

The proposal is considered to be contrary to the local plan policy OS2 and the NPPF and the benefits derived from the energy production do not outweigh other policy considerations. Accordingly the proposal is recommended for refusal due to the harmful effect upon heritage and landscape.

- (b) The Chair pointed out that Mr Boardman would be speaking on behalf of Ab Kettleby Parish Council however the application is based in Clawson, Hose and Harby Parish.

Mr W Boardman, on behalf of the Parish Council, was invited to speak and stated that:

- This application is less than half a mile from the application that they had dealt with in December, which was refused.
- Eric Pickles, MP and Minister for the communities', issued a statement reinforcing and clarifying the guidance which they issued on 29th July 2013 titled planning practice guidance for renewable and low carbon energy. The core of this guidance is that the need for the renewable or low carbon energy does not automatically override other considerations,
- Communities now have a greater say on the siting of wind turbines and other forms of renewable energy. In this case the most relevant part of that guidance says that concerns about visual and environmental impact must be taken in to account.
- There are sufficient doubts on the sustainability of this application and it should be refused on a number of grounds.
- Specifically, the application is contrary to the following guidance, paragraph 15 -that the need for renewable energy does not automatically outweigh other principles in the NPPF. Although there is a presumption in favour of development, the NPPF demands that this is sustainable on economic, social and environmental grounds. This application won't provide significant economic benefit to the community. There are no employment opportunities, no significant contribution to local energy supplies. This isn't a community scheme. It is not sustainable on economic grounds. The very high level of visual impact at this location is detrimental to the local community as a whole, who will have to live with

these turbines for a generation, if approved.

- The guidance which was given in October 2013 indicates that the communities' wishes are a material factor in wind farm applications.
- Although environmental impacts are likely to be acceptable, they clearly do not in any effective way improve the environment and alone do not provide sufficient overriding justification to approve this development. In relation to ETSU 97, it is a good piece of guidance, which your officers are obliged to follow but it came in over 10 years ago, when we had much smaller turbines than we do today. Although your Officers have to take ETSU 97 into account when making their recommendations to you, you don't.
- NPPF paragraphs 15 and 39 and most importantly 44 indicate that cumulative visual and landscape effects need to be fully assessed to be acceptable. Guidance also indicates that all the schemes including those in planning, as well as approved need to be considered.
- This application doesn't fully comply with the guidance laid out in figure 1 for assessing cumulative zones of visual influence because incomplete information has been supplied. As a minimum the application should be rejected on these grounds. However with the limited information already supplied it is clear that if this turbine is approved there is a cumulative effect and multiple wind turbine developments will be visible throughout the vale. As such this application will add substantially to the numbers of wind turbines, which there are at least 15 at the moment, visible from many local vantage points throughout the Vale of Belvoir.
- This is an unacceptable effect on the landscape and an unacceptable detriment to the local community. No longer would it be an area of outstanding natural beauty.

(c) Mr S Potts, on behalf of the objectors, was invited to speak and stated that:

- He is a chartered town planning consultant based in Waltham on the Wolds and that he has been instructed by Long Clawson residents to object to the application and support the officer's recommendation.
- This application is identical in output and size to the Melton Road Long Clawson application (13/00498/FUL) nearby at Holwell crossroads only 700m away, which was refused by this committee in December 2013, so there is a need to be consistent. For example neither site is consistent with Local Plan policies OS2 (prevents development which is detrimental to appearance and character) and C2 (farm diversification is allowed, only if no adverse impact on character and appearance or conservation of the environment)
- The officers' report shows 3 main issues. Which are character heritage and amenity
- CHARACTER
 - This development would not make a positive contribution to the local character and distinctiveness, the only other small turbine being at Stathern and then it is in a notch in the escarpment rather than on a hilltop

- The site lies within the Natural England National Character Area NCA 74 Leicestershire and Nottinghamshire Wolds.
- Officers are correct, the landscape could not absorb a turbine of this size.
- HERITAGE
 - Mill Farm windmill has been refurbished and is the only vertical structure on the horizon
 - It has been refurbished by the owner sympathetically and to a high standard
 - It is Grade II listed
 - Lying only 772 m away amounts to 'substantial harm'
 - The Council has a duty to protect these buildings under Section 66 of the Listed Buildings and Conservation Areas Act 1990
 - English Heritage has advised the local planning authority that it has a duty to protect heritage assets
- AMENITY
 - Public footpaths are impacted (e.g. G46) by the proposal
 - It could be clearly viewed from Long Clawson Village Hall
- The National Planning Practice Guidance (NPPG)
 - Needs does not override environmental protection
 - Local topography is an important factor
 - Conserve heritage assets (e.g. windmill) are an important factor
 - There is a need to protect local amenity
- The National Planning Policy Framework (NPPF)
 - Paragraph 131 heritage assets shows a need to protect the windmill
- Long Clawson Parish Council has objected as well as Ab Kettleby and Broughton & Dalby because of:
 - Effects on tourism
 - Precedent of further applications
- Planning balance – the harmful impact on the windmill and lack of other man-made structures

- (d) Mr J Chahal, on behalf of the objectors, was invited to speak and stated that:
- Why should we accept on shore wind turbines which only produce about a quarter of their full capability?
 - They devalue nearby properties with some becoming unsaleable. Who pays the cost for that?
 - The East Midlands is a low wind area. The data by the DECC shows that in 2012 the UK average load factor was 25.6% whereas in the East Midlands it was only 23.3%. Data by Derek Partington has shown in 2 years of research there was a total of four months where the output from many thousands of onshore and offshore wind turbines was less than 10%.
 - The intermittency of wind turbines was so great that power stations are always on standby to fill in the gaps. Therefore the Co2 savings were negligible.
 - The better option is to provide more solar panels on houses and more

off shore turbines where the wind quality is better. Regarding the Holwell application, the BWEA fact sheet being handed out was discredited as misleading. The power output that they claimed matched that of a 900 kilowatt machine not 500 as they have said.

- (e) The Chair reminded Mr Presbury that he had the option to speak for six minutes if he wished.

Mr A Presbury, agent for the applicant, was invited to speak and stated that:

- climate change and energy security are two of the greatest challenges facing our country today. Our reliance on imports from increasingly volatile parts of the world is something that should concern us all. If there was ever a time in the UK to generate all its electricity from its own resources, that time is right now.
- English heritage has not objected. I don't believe Melton's own conservation officer has objected. Like the historic mill before, the modern windmill will be widely visible and a prominent feature within the local landscape. Like the old mill it will generate its power by its movement.
- Having recommended a previous application close by I suspect your officers recommendation has been influenced, not just by your decision but by increasing intervention of Community Secretary, Eric Pickles.
- Our Prime Minister in 2010 told the nation that he wanted the coalition to be the greenest government ever now seems content to let Mr Pickles continue his war on wind. He does this when poll after poll indicates the majority of electorates support the development of onshore wind.
- The UK has 45% of Europe's wind resource. Onshore wind is the most mature and economic of the renewable technologies and we need to make full use of it. This is clearly the right place to put a wind turbine as is demonstrated by the historic mill from generations ago.
- The damage to the landscape is both temporary and reversible. If in the future technology provides a better solution we can take it down and restore the view. In the meantime surely that's a small price to pay.
- Rather than a blot on the landscape we should look at the turbine as a beacon of clean renewable energy, standing proud as a symbol of our determination to leave this world a better, safer and more secure place.

Cllr Simpson asked for clarification regarding which other reasons Eric Pickles is taking part in this type of debate because to her it is quite clear that the conservation of the historic environment is important to him and to people.

Mr Presbury replied that he agreed the conservation is important but it's about weight and balance which is the Committee's job to decide today. If you choose to want clean green renewable electricity which doesn't need any fuel there's a price to pay and you have to decide if a temporary blot to your view is a price worth paying for clean energy.

The Chair stated that it should have been a point of clarification and that it was actually a question which shouldn't have been allowed. She apologised for this.

The Planning Officer responded to some points that Mr Boardman had stated. She clarified that the ETSU97 and NPPF has to be taken in to account by all decision makers, not just the officers. That is the policy that has to be taken into account and that the Committee also need to take into regard when making their decision. In response to the reference that there is an impact on an area of natural beauty, as mentioned in the Planning Officers earlier address there is no national designation, however it's accepted as a local area that is valued by local residents and visitors.

In response to Mr Presbury's address the Planning Officer stated that the Conservation Officer was involved in the advice in the report on the relevant pages regarding heritage and as such can be treated as objecting. Also English heritage have raised concerns and felt that there were failings in the application which required addressing and they gave clear guidance that the local plan authority does have to have regard to preserving and enhancing the setting of the listed building and take into account the value of the setting.

The Head of Regulatory Services stated that the reasons for a difference in recommendation for this application and the one 700 metres away are:

- This application is considered worse as it interacts with a heritage asset, whereas the earlier one didn't
- This application is right on the cusp of the escarpment, whereas the other one was set further back.

Cllr Baguley, Ward Cllr for Long Clawson stated that she was concerned that the wind turbine was too big. She had taken in to account everything that the agent has said and that we do have to look at wind turbines for renewable energy but in this instance it is so very big at 79 metres. **Cllr Baguley proposed to refuse the application** on the grounds of its visual impact, it's too big and the information provided by the officers in the papers.

Cllr Sheldon raised concerns about sustainability. He felt that if the tariffs were dropped like they have been on solar panels then the applications would drop sharply. He asked if wind turbines are sustainable without the tariff He stated he has witnessed a wind turbine that he passes on a regular basis not moving 9 times out of 10.

Cllr Botterill stated that the weather last week cost the country 3 million pounds in compensation because we were making too much electricity and had to turn the big turbines off. He stated that he would like to see windmills on the farm but not at that particular point because it's a very sensitive area on that part of the Vale. He thought that Farm businesses should be able to run their own power should they so wish. He felt that the turbine would be very visible within the Vale as the planned location is too near the escarpment edge.

Cllr Freer-Jones wished to raise a similar point regarding farm diversification and economic benefit to a farm if it had its own smaller wind turbine to power its own electricity. Realistically the NPPF has strong guidance when it comes to heritage assets. **Cllr Freer-Jones seconded the proposal** to refuse the application.

Cllr Holmes stated that she was worried that we may run out of energy and that we need renewable energy but doesn't feel this is the right way. She thought that on page 13 of the report that the Parish Council had raised really good points. One of which was, it was noted that there are no local policies for renewable development. She asked if we should we have a local plan before we take any more of these applications on board.

The Head of Regulatory Services confirmed that the new local plan is in preparation. He confirmed that we would still need to deal with any application in this current manner and that we can't postpone applications to wait for the local plan or accelerate the local plan to accommodate it. The landscape work that has been commissioned is due back to REEA for acceptance or otherwise on 3rd September and that will add to the evidence available to deal with these applications.

Cllr Botterill asked that when judgement is made would those designated areas be taken into account in future.

The Head of Regulatory Services replied that the landscape study, if accepted, will be a piece of evidence that will be used along with others already in place.

Cllr Simpson stated she would be voting to agree with the officers' recommendation and that it was a good report. She didn't feel that the benefits of the scheme outweigh the harm in respect of the heritage asset and the landscape character.

Cllr Cumbers stated that the harm that was being discussed was a matter of opinion. She stated that she would be happy to see that turbine and didn't feel it would detract from the existing windmill. She noted that on the site visit she saw lots of pylons in the area and finds them ugly and intrusive. Cllr Cumbers stated she wouldn't vote against this application.

Cllr Moncrieff stated that he had sympathy for residents who live near these proposals. However he agreed with Cllr Cumbers. He noted that he wished to pick up on points made regarding costs and sustainability.

- All current energy has costs, nothing is free or perfect.
- It's not windy all the time and solar panels don't work in the dark.
- We need to look at something that would work with nature. Solar would some of the time and turbines would some of the time.
- Wind turbines are not perfect but we can't keep ignoring them.

With regards to this particular application we are refusing a windmill because it's too close to a windmill. However one is modern and larger and one is old. Cllr Moncrieff stated that he personally didn't find the view out of the Vale attractive. He accepted that the turbine would be highly visible but he is comfortable with

the one at Stathern and that he hadn't heard a lot of objections to it. He felt that part of NPPF is subjective not objective. He stated that he would have been in favour of the application.

A vote was taken, 8 members voted in favour of refusing the application and two voted against refusal. Cllr Cumbers requested that her vote against the refusal was recorded. There were no abstentions.

DETERMINATION: Refused for the following reasons:

- 1. The proposed turbine due to its design and location within the setting of a grade II windmill will have a significant impact upon the setting of the Heritage Asset. The proposal neither preserves or enhances the setting of the heritage asset and is contrary to the NPPF chapter 12.**

- 2. The proposed wind turbine would, by virtue of their height and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbine. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the guidance offered in the NPPF. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**

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- (2) **Reference: 14/00515/FUL**
 Applicant: Mr G Martyn
 Location: The Red House, 23 Main Road, Nether Broughton
 Proposal: Removal of existing permanent marquee and associated car parking and erection of 3 new single storey dwellings

The Planning Officer stated that: Cllr Orson (Ward Cllr) wishes his views to be expressed:

He has concerns about the application being outside the Nether Broughton village envelope. Perhaps the principle of building on this site should be determined by the local plan presently being formulated ?

However if the application is permitted I urge the owner to start the renovation of Grade 2 Red House ASAP, because of the rapid deterioration of the building.

Can a condition be made that renovation as agreed with the MBC conservation officer, of the building starts within six months of the permission?

The old local plan has stood up to most tests, although I accept Twyford appeal was a surprise. Residents understand the envelope as they were asked for their contributions. However, they do not understand NPPF as it seems to work against localism.

The Head of Regulatory Services commented: Ideally we would like to wait for the Local Plan but we cannot postpone applications in that way so have to deal with this one in the position we are in. This leads us of balancing 'pros' against 'cons' under the direction of the NPPF and you will see the report does this i.e. heritage & house type and perhaps lesser issues regarding the marquee and reduction in car parking areas vs. village envelope. The Committee has wide discretion in cases like these as there is little to guide them as to which side of equation should attract the greater weight.

The suggestion of linking the new build to the restoration is feasible, although we would usually make the link to "commencement of works" (on the new build) rather than to the granting of permission.

We have received a further letters of objection, concerned about the impact of the proposals on the adjacent footpath because it will be enclosed by a hedgerow, behind the proposed houses. The route of the footpath would not be affected but clearly the user experience would be different, in that it would run alongside a hedge and behind gardens whilst currently it's alongside a car park at this point. It is not considered this will diminish the user experience.

Mr G Martyn, the applicant, was invited to speak and stated that:

- determination of this application rests primarily on whether its benefits justify departure from planning policies, especially where they seek to resist new dwellings outside of village envelopes.
- there are limited opportunities within village envelopes for new developments.
- The proposal site itself is however not isolated in open countryside but is immediately adjacent to the village envelope of Nether Broughton. It is well related to the village with existing development on three sides. Being a former pub car park, the proposal makes effective use of brown field land as designed by the NPPF and thus represents a suitable and sustainable site.
- The proposed small dwellings are all single storey and for simple uncomplicated design and style to reflect the outbuildings of The Red House. This application proposes much needed house types and sizes and is supported from housing policy perspective.

- The Grade II listed building itself has suffered previous neglect and we are fully committed and passionate about restoring the Red House to its former Georgian character.
- The scale of the project is formidable and expensive but this proposal will help safeguard the buildings long term future whereby the income generated from the sale of these plots will be used to fund essential repairs, careful restoration and the on-going maintenance of this important heritage asset and our family home.
- Another key benefit of the application is the proposal to remove the unsightly and unpopular marquee and its associated car parking. Furthermore the proposal also aims to enhance the overall character and appearance of the street scene in this part of the village.
- In summary the proposal would:
 - Environmentally – enhance the setting of the listed building
 - Economically – help fund it's restoration
 - Socially – the development would provide much needed housing, improve the street scene and enhance the rural setting of the village.

Given the wide ranging benefits of the proposal, the village envelope aspect should not be the dominant consideration. The case officers report concludes that the proposed benefits to the listed building and housing need, do not warrant refusal and the proposal is accordingly recommended for approval. I hope the committee agree.

The Chair emphasised a point that Cllr Orson had raised to The Head of Regulatory Services and herself which was that the village envelope was very much the work of the local villagers and they had put a lot of input into where the village envelope should go.

Cllr Baguley asked if Cllr Orson was asking for the condition that the renovation is completed before the buildings or six months after work starts.

The Head of Regulatory Services responded that Cllr Orson had said six months after permission is given, if it is given. However, he suggested that after work starts would be a better linkage.

Cllr Baguley asked if the doors would be wider for wheel chair access as they would all be single storey.

Cllr Illingworth left the meeting at 7.05pm.

Cllr Cumbers asked why the removal of the marquee had not been enforced.

The Head of Regulatory Services responded that the issue with the marquee isn't whether it exists or not, it's whether it's in the correct place. The marquee is slightly off where it should be but does have permission. If the application was

approved they would remove the marquee which would benefit visually, otherwise it would stay in a different location. It also benefits traffic generation, because if it stayed it would be used as a venue generating traffic through the access.

Cllr Cumbers asked if the ownership of the land had now been clarified.

The Head of Regulatory Services responded that it had.

Cllr Cumbers stated that she thought she had read that the permission for the marquee had now expired regardless to whether it was in the correct place, so there is no planning permission for a marquee.

The Head of Regulatory Services responded that those words do appear in the report but the enforcement notice grants permission by imposing it in its revised location. He pointed out on the slide the current location and the correct location of the marquee. The enforcement notice addressed its location on the site,, not about whether it's present or not.

Cllr Moncrieff proposed to permit the application and that he had no dispute with the recommendation for a number of reasons.

- The Parish Council are not strongly opposing it.
- He personally didn't feel any strength in protecting village envelopes anymore
- He felt that there is a genuine need for these much needed bungalows.

He stated that we need to condition that the work on the listed building starts at the correct point and ensure that the new buildings are lifetime homes.

The Head of Regulatory Services confirmed that the new homes would be to lifetime standard and this was referenced on page 5 of the report.

Cllr Baguley seconded the proposal if the condition could be put in place regarding the renovations and occupancy.

Cllr Simpson added that she thought the application was in a sustainable situation even though it would technically be outside the village envelope. There is a business on the site. She didn't think the siting of the marquee was worth taking into account due to its complexities. She felt that with the new buildings being life time homes that the development wouldn't do any harm and that she would be supporting the application.

Cllr Holmes asked for clarification on the type of roof that would be on the lifetime homes, as the buildings behind the Red House have virtually flat roofs and that when on the site visit the applicant had said the new buildings would be the

same.

The Head of Regulatory Services responded that the drawings show that they would be double pitched and made to look like stable blocks.

Cllr Cumbers stated that she was unhappy with it as it was outside the village envelope and that she wouldn't be supporting it. She was sorry to see that Policy H8 was quoted when it's nothing to do with it but appreciated it had been used to explain about the housing.

The Chair stated that she has similar views regarding the village envelope and that we should be backing our own policies until they are changed.

Cllr Freer-jones stated that she also has similar views regarding the village envelope but she wanted to explore the sustainability angle. She understood that each application is looked at on its merit, however an application in Kirby Bellars had been refused. Kirby Bellars has a pub and good transport links but the application was refused on the grounds of sustainability.

The Chair responded that as a member of the local plan her concern was that we needed to revisit category 2 villages, as a lot of them now aren't sustainable as shops and post offices have closed due to people not supporting their local facilities.

Cllr Moncrieff commented that perhaps they should review the understanding of the word sustainable. If they build a few houses, they might become sustainable. He felt we needed to forget village envelopes and move on.

The Head of Regulatory Services responded that we are doing all the reviews as part of the local plan. During an audit of village facilities, Nether Broughton came higher than Kirby Bellars and that is what has made the difference. We have to go by that evidence at present. His own opinion regarding village envelopes is that in certain circumstances we can depart from them but that doesn't equate to a wholesale rejection of them, but in any event at a technical level they have to be considered as part of the development plan.

A vote was taken: 6 members voted in favour of permitting the proposal and 3 members voted against. The Chair, Cllr Cumbers and Cllr Freer-Jones requested that their votes against the proposal be recorded.

DETERMINATION: approved, for the following reasons:

It is considered that this application represents a balance between the breaching of the village envelope and the provision of much needed single storey dwellings. The development will also help to ensure the conversion of the Listed Red House is completed. In this instance, the harm to the open countryside is not so demonstrable to warrant a refusal when weighed against

the benefits to the listed building and housing need. The proposal seeks to support the objectives of the NPPF in supporting housing growth in sustainable locations and accordingly the proposal is recommended for approval.

Additional condition:

The works to restore the listed building shall be commenced within 6 months of the first occupation of the bungalows hereby approved.

- (3) Reference: 14/00516/VAC**
Applicant: Mr I Hardwick
Location: 23 Middle Lane, Nether Broughton
Proposal: Variation of Condition 3 relating to Planning Approval 13/00678/REM to increase part of the wall from 1.5m to 2m with the lower part at 1.4m as indicated on Drawing Number 6562P - 21H

- a) The Planning Officer stated that: This application seeks planning permission for a variation to condition 3 of the approved application for the erection of a single storey detached dwelling on land adjacent to 23 Middle Lane. The condition restricts the height of the front boundary wall that bounds Middle Lane and King Street to the height of 1.5 metres. The wall has been constructed not in compliance with this condition and seeks retrospective permission to regularise the works and amend the wording of the condition.

The wall has been constructed on the same footprint as the old wall and of similar height as demonstrated in the two slides.

The matters for consideration is whether the wall as constructed does have a detrimental impact upon the character of the area and impacts upon highway Safety.

As demonstrated at the site visit visibility out of the junction has not been affected and pedestrian visibility can still be achieved from king street, although those with pushchairs would be at a disadvantage due to the positioning not the height. However the highways authority have not objected given the wall has been constructed on the footprint of the previous wall.

It is consider that the increase in height has not had a detrimental impact upon the character of the area given that high boundary walls are a feature of the village. The materials and craftsmanship is of high standard and it is therefore recommended that the proposal is approved subject to modification of conditions in relation to the height of the wall which should remain in situ in perpetuity.

- b) Mr J Botterill, agent for the applicant, was invited to speak and stated that:
- The photograph in the report is a photograph of the existing wall and boundary fence that was present prior to development. The existing

boundary wall was 1.4 metres high starting from the corner of 1 King Street and increase in height two thirds along its length up to approx. 1.8 metres high where it returns around on to Middle Lane and adjoins a 1 metre high timber fence. The wall which you saw on your site visit on Monday has been constructed to the same height 1.4 metres from the corner of 1 King Street and increases in height as the original wall did at approx. the same position.

- Mr Botterill displayed photographs showing a number of other walls around the village and some within a few hundred metres of the site that illustrate boundary walls adjacent to roads and footpaths in prominent public locations which are at least 2 metres high. There are many more brick walls around the village which are slightly lower but are still higher than 1.5 metres. The fact is that the village of Nether Broughton is characterised by high brick boundary walls and these photographs are clear evidence. It would be difficult for the Council, if required to, to provide evidence to demonstrate that the brick wall is out of character with the village, when there are existing walls within the village constructed to the same height.
- The applicant has constructed the wall to simply create a private amenity space. The house has very little rear garden and the garden it does have is directly over looked by 1 King Street. The high wall provides a private space where the future occupiers can site a table and chairs accessed directly off the kitchen, without the worry of their privacy being disturbed. If the wall was to be reduced in height it would not only cause direct overlooking from the highway into the kitchen but would also expose garden patio paraphernalia in full view of the village. This space has been designed as a patio area and will be used as one to facilitate barbeques and family gatherings in the summer months.
- The wall that you saw on Monday is not significantly different it is only 6-8 inches higher than the original wall. Is this slight height difference enough to warrant a refusal, enough difference to make the wall wholly unacceptable.

Cllr Freer-Jones asked why the developer went against the approved plan.

Mr Botterill responded that it was purely to create a private area off the kitchen.

Cllr Freer-Jones responded therefore did they not consider asking prior to making the change.

Mr Botterill replied that there were some discussions informally regarding the height of the wall which also tied in with the previous application regarding the privacy of the ground floor windows. There were concerns raised by residents that the future occupants would have a loss of privacy into their house from the village green. That was debated at this council and now we are here debating the opposite, where we have created a wall to create privacy and people have objected to it.

The Chair commented that in the report at the top of page 5, 'retrospective applications are a feature of the planning system' and that she was concerned about this being in the public domain.

The Head of Regulatory Services confirmed that there is a section in the act that legitimises retrospective applications .and that they would revisit the wording.

Cllr Cumbers agreed that there was a place in the system for retrospective applications however she thought that it was for when things are done accidentally.

Cllr Holmes stated when she went on site visit she walked round and thought it a good back garden and couldn't understand why anybody would want a wall right up to the window. She stated that she couldn't approve this application and that the applicant should be asked to take the wall to the correct height. **Cllr Holmes proposed to refuse** the application.

Cllr Botterill seconded the proposal as he felt it was a basic view. He would like to see it reduced with some greenery up it. He felt it was a harsh urban form.

Cllr Simpson commented that she was pleased the height difference had been explained as she thought the wall was half a metre higher not 8 inches. She felt it was a nice secluded area to sit. When reading page 3 of the report she noted that a condition was imposed requiring the wall to be at a height of 1.5 metres but the agent said no less than. She asked so should it have been 1.5 or no less than and if this was a contravention. She also commented that this condition followed representations from residents who were concerned that overlooking could be created to and from users of the village green that abuts the side and did not want a lower boundary treatment, so they have got one slightly higher and so there's complaints. Cllr Simpson stated she would not be supporting the refusal as there were other walls in the village.

Cllr Freer-Jones stated that ultimately is should be about what was conditioned in the original application and that she would be supporting the refusal as they should revert the wall to the original conditions.

Cllr Moncrieff stated that he agreed with Cllr Simpson and that he couldn't see the problem with the wall as he felt the new wall looked better than the previous one and that there are other walls in the village that are over 2 metres high. He felt that the officers are correct and he would be supporting their recommendation.

Cllr Baguley agreed with Cllr Moncrieff and felt that once it weathers a bit and has a bit of greenery it would blend in with the location. She stated she agreed with the officers' recommendation.

Cllr Holmes added that applicants should stick to what has been agreed.

A vote was taken: 5 members were in favour of refusal and 4 were against.

DETERMINATION: Refused, for the following reason:

The proposed wall, by virtue of its height and absence of architectural interest, would represent a harsh urban feature in a prominent location in the streetscene. It would therefore be out of character with and unsympathetic to its surroundings and contrary to policy BE1 of the adopted Melton Local Plan and Part 7 of the NPPF ('Requiring Good Design').

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- (4) **Reference: 14/00143/ADV**
Applicant: Mr D Blanchard
Location: Land To The Rear Of Parkside, Burton Street, Melton Mowbray
Proposal: A wayfinder sign for rear of parkside to greet railway users. Two permissive footpath signs for footpath link from Station to Town Centre

- a) The Head of Regulatory Services stated that: there was nothing to add to the report.

There were no speakers.

Cllr Sheldon proposed to allow the application.

Cllr Holmes seconded the application.

A vote was taken: The members unanimously voted to allow the application.

DETERMINATION: Approve, for the following reason:

It is considered that the design of the signage is efficient, effective and simple and therefore in accordance with the guidance contained within the NPPF, and will not have any adverse effect on public safety or amenity. The siting and design is considered to be acceptable in terms of highways standing advice with regard to the required head clearance height on public footpaths.

D31. PLANNING PERMISSION 13/00844/FUL: REQUEST TO AMEND THE

AFFORDABLE HOUSING PROVISION

The Head Regulatory Services introduced the report and the issues it presented and that we were accepting of this proposition.

Cllr Simpson felt that it was a great shame and looked as though the affordable housing was down to 25% but not exceptional compared to other areas in the local plan. **Cllr Simpson proposed to allow** the proposal to amend the requirements of the section 106 to provide four affordable housing units on the site removing the 0.8 financial contributions .

Cllr Moncrieff seconded the proposal and echoed what had been said and what was in the report. He felt we needed more guidance from government.

Cllr Cumbers agreed with Cllr Moncrieff however it looks like developers want permission and then tweak it quite quickly.

Cllr Freer-Jones commented that we have had two applications within as many meeting where developers have come back and said that their developments are unsustainable or unaffordable where, surely there are experts calculating the monetary value and the cost and profits. She noted that it seems a shame that another developer can't afford the affordable housing part of their application but that at least there was still going to be an affordable part in this case. She felt that we have to stand by our commitment to affordable housing because that's what is required in every area.

The Chair commented that this application seemed to be a lower price scheme compared to the development at Harby.

Cllr Freer-Jones commented that a report that came out on the last one that suggested that it was going to be unaffordable and ultimately it was affordable. She felt that this was disappointing and misleading.

Cllr Moncrieff asked if we have a level that we work to on affordable housing.

The Head of Regulatory Services confirmed that it's 40% and the policy and NPPF states that it should reflect local needs but there has to be a practicality to it. He commented that individual sites throw up individual circumstances.

Cllr Moncrieff commented that the Committee should perhaps increase their knowledge and as he had mentioned before that he felt there should be more guidance and more parameters from government.

The Chair stated that she thought the 40% was risky for the future of housing.

Cllr Moncrieff added that more work been done involving the people and that no two villages are going to be the same.

The Chair added that there is definitely a need for the 40% but that they need them to be built to last and blend in with existing properties and surroundings.

Cllr Cumbers commented that somebody has got to pay for the affordable housing.

Cllr Holmes stated that she would be abstaining from voting.

A vote was taken and all members taking part voted in favour.

DETERMINATION:

Agree to amend the requirement of the S106 to provide 4 no. Affordable Housing units on the site, removing the 0.8 financial contribution,

D32. URGENT BUSINESS

Cllr Baguley and Cllr Botterill left at 7.50pm

A discussion took place and it was agreed that members would email their dates of availability.

The Head of Regulatory Services informed members that a developer had asked if he could present to members a scheme he was proposing to submit for determination. Some years ago this had been allowed but ultimately this was at the discretion of members.

Cllr Moncrieff stated that he considered it unfair as it would give them more time than prospective objectors when the actual application came to committee.

Cllr Holmes agreed with Cllr Moncrieff

Cllr Cumbers stated she would choose not to attend.

Cllr Sheldon asked if the public would be informed and allowed to attend as it could be construed as dishonest by the public.

The Head of Regulatory Services commented that he would inform the developers that they wouldn't be able to do this.

The meeting commenced at 6.00 pm and closed at 8.03pm