



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

16 October 2014

PRESENT:

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

As Substitute

Cllr J Douglas for Cllr MR Sheldon

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

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D48. APOLOGIES FOR ABSENCE

None

D49. DECLARATIONS OF INTEREST

Cllr Botterill declared an interest in 14/00634/FUL & Item 5.

D50. MINUTES

Minutes of the meeting 25 September 2014

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

Seven members voted that the Chair sign them as a true record.

Cllr Douglas abstained as she was not present at the previous meeting.

Cllr Holmes abstained due to the matter that she brought up about the wind turbine in Brentingby. She stated that she did not say the wind turbine was in

the wrong place, she said it was not in the right place. She clarified that the wind turbine was viewed from the wrong place.

The Chair stated that the Minutes had been taken from the recording.

Cllr Holmes asked if the Chair had listened to the recording.

The Chair confirmed that she had listened to some of it.

Cllr Holmes chose to abstain.

The Minutes were signed as a true record.

#### D51. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00529/FUL  
**Applicant:** Mr Lightsource – SPV 102 Limited  
**Location:** Field OS 00077 and 6867 Six Hills Road, Ragdale  
**Proposal:** Installation of a solar farm and associated infrastructure including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras for the life of the solar farm.

- (a) The Applications and Advice Manager apologised for Page numbers missing on four of the reports.

The Applications and Advice Manager stated that: this application seeks planning permission for the installation of a solar farm and associated infrastructure. The site lies within the designated open countryside to the north of Ragdale and east of Six Hills.

Since publication of the report comments have been received from the County Archaeologist who have advised that the development will have a significant impact upon any buried archaeological remains were they to survive within the application area. Review of the available data and consideration of the applicant's submitted geophysical survey, indicates that whilst there is a limited potential for later prehistoric, Roman and medieval remains, the potential for earlier prehistoric and Anglo-Saxon remains unclear. On that basis it is recommended that the archaeological interest can be managed via a programme of post-determination archaeological investigation and recording, the latter commencing with either field walking or trial trenching or a combination of both techniques.

The agent has been made aware of these comments and has advised that they have been in regular contact with the County Archaeologist on this issue and a field walking survey is being undertaken next week. They considered it to be

frustrating that given the geo-phys was completely clear - that they are having to now consider such an open ended series of conditions to assess potential for 'undetectable' remains. When balanced against the benefits accrued from what will be a £19 million renewable energy project – they have considerable reservations that such a requirement is fully justified. They have to build this site by March 2015 and any delay caused by these conditions could have very significant implications on the viability and deliverability of the project.

In response to this the NPPF states in paragraph 141, that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it has been recommended that the current application is acceptable subject to conditions. Given that the work carried out to date suggests there is a limited potential for later prehistoric, Roman and medieval remains, the potential for earlier prehistoric and Anglo-Saxon remains unclear and therefore further work is required. It is not considered that a written programme of works and trial trenching is unduly onerous in the circumstances as there appears to be some uncertainty about potential later finds and the conditions are considered reasonable and necessary.

With regards to the application the development is considered to have no undue adverse impact upon the landscape of the area or the residential amenity of neighbouring properties. It would have no adverse impact on ecology or increase flood risk. Whilst the proposal is not considered to be small scale and compliant with Local Plan Policy OS2 it is considered to meet the objectives of the NPPF and would support renewable energy.

The application is recommended for approval as set out in the report with the addition of the requested archaeological conditions.

(b) Patrick McKeown, agent for the applicant, was invited to speak and stated that:

- Lightsource is a British company focused on the generation of clean energy from solar.
- Currently have 130 ground mounted solar in operation around the UK and an extensive portfolio of rooftop installations.
- Installed capacity is currently just over 600megawatts which provides the energy needs for approximately 200,000 households per year.
- As a country we need to reduce our reliance on fossil fuels for energy, both for the sake of the environment and to reduce our exposure to the volatility of the global fossil fuels markets.
- UK government targets are to meet 15% of energy needs from renewables by 2020.
- Government guidance as outlined in the NPPF emphasises that Local Planning Authorities should recognise the responsibility of all communities to

contribute to energy generation from renewable sources and applications for such should be approved if environmentally acceptable.

- Site selection is critical. Lightsource undertakes a rigorous approach that sites for development have minimal impact on their surroundings. Of every 100 sites Lightsource assess between only 5 and 10 are considered suitable for solar development.
- The Six Hills Road site is considered suitable for such development. It is not located within or adjacent to any areas designated for their high landscape value or ecological sensitivity.
- The site constitutes lower grade agricultural land which would remain in agricultural use through sheep grazing.
- The application has been accompanied by a series of technical reports to provide a thorough assessment of the potential impacts.
- Statutory consultees have confirmed that the proposal would not result in adverse traffic, ecological, flood risk or drainage impacts or affect any public rights of way in the vicinity.
- There would be no impact upon Listed Buildings or scheduled monuments in the locality and a comprehensive scheme of archaeological investigation and fieldwalking is currently being undertaken to ensure any potential archaeological remains are unaffected.
- A thorough Landscape and Visual Impact Assessment has been submitted in support of the application. The Officer's report agrees with the findings of the assessment, that the development would have a minor impact on the landscape characteristics of the arable farmland and would not serve to adversely affect visual amenity.
- Lightsource has undertaken community consultation prior to the submission. A consultation event was held in Hoby. The views and suggestions of local residents have been incorporated into the final submission by way of the layouts of hedgerow planting and measures for promoting the biodiversity.
- The proposal has received a positive local response with the Parish Council expressing support for the development.

The Chair asked for any points of clarification.

Cllr Holmes stated that she understood solar panels get better and it is not just sun that generates energy, but light. She asked how long in a day would you get light if it was winter.

Mr McKeown stated that he could not quantify that in scientific terms. He stated that in terms of dawn until dusk and the range of power that is generated fluctuates over that period with its peak at midday.

Cllr Freer-Jones wanted to clarify in terms of size how this application compared to the other sites discussed.

Mr McKeown stated that this application was a medium to large scale site. He explained that Lightsource's largest site is 35 megawatts, and they have some

sites which are around 3 or 4 megawatts.

The Chair asked for clarification of this in acres.

Mr McKeown stated that it was difficult to quantify because it is dependent on the layout of the site. He explained that it was not a case of that you have a certain area of land and you can put a uniform amount of panels within that area. He stated that it depends on the topography, slopes, shading so it is hard to say in acreage that this is a medium acre site. He stated that this was a dense site for the amount of power it will generate.

Cllr Botterill wondered where the power from the site would go and whether it would go overground or underground.

Mr McKeown explained that the point of connection was just next to Six Hills to the North West. He stated that it would be an underground cable which would run by the side of the road, and there would be no overhead lines.

Cllr Simpson asked about the leaflet sent by Lightsource on the benefits to the local community and the things the company were doing for the wildlife. She wanted clarification on the treatment of the boundaries in respect to Ragdale Hall.

Mr McKeown stated that he had spoken to the owner of Ragdale Hall at the community consultation event, and they had concerns about the gap in the screening around Six Hills. He stated that Lightsource agreed to put up temporary willow fencing as the hedgerow matures so that there would be no adverse impact on people using Ragdale Hall. He stated that the margins of the site would be planted with wildflowers and the grassland would be improved. He explained that there would be hedgerow planting gapping up to the South and there would be a new stretch of hedgerow down the Western boundary.

Cllr Freer-Jones asked about the sheep grazing that would still happen on site and whether any of Lightsource's other sites did this.

Mr McKeown stated that most of Lightsource's sites encouraged sheep grazing as this keeps the site in agricultural use, with the added benefit that it maintains the grass at a manageable level and there is not potential noise nuisance that comes with mowing the grass.

The Applications and Advice Manager stated that the energy would feed into the local grid network. She stated that comments were raised at the site visit about the landscaping, and explained that Conditions 12 and 13 had been put in place to state the Planning Authority would want to see a landscaping scheme submitted. She stated that the reason for this was that the landscaping proposals within the application stated outline, not given proposals. She noted that the applicants included the gap-filling and strengthening the hedgerow to where the public footpath runs to the top of the site. She noted that there was a question about the spinney at the Southern end of the site, and stated that this would

remain in place. She noted that there was a distant separation between the spinney and the panels as they cannot put the panels too close to the trees because of overshadowing and also because Ecology wanted a buffer zone between the trees and the panels.

**Cllr Baguley proposed to approve** the application as she felt the Committee had to be responsible and support renewable energy.

**Cllr Botterill seconded the proposal** as he welcomed the scheme and felt there was the best of both worlds with retaining agriculture under the panels and making green energy. He stated that the country is reliant on outside energy and this would be moving forward.

Cllr Simpson stated that she was also happy to second the proposal but noted that the benefits in the area, particularly the money going to the Parish Council for community funding was an excellent part of the scheme. She stated that she was pleased to see that in the information that was sent to them.

Cllr Bush stated that he would be happy to second the proposal due to the fact it was green energy production and the biodiversity with the wildlife, animals and the grazing.

Cllr Cumbers stated that she confirmed and agreed with everything said.

The Applications and Advice Manager responded to Cllr Simpson's comments about the offer of funding towards the community and the Parish Council. She stated that this was not a Planning consideration; it was an offer from the company and did not form Planning merits of the application and had no weight.

The Chair noted that with most renewable energy sources, most Parish Councils or the local community get baited.

Cllr Simpson stated that in the information given, it was stated that for each year between 17.5 and 18 thousand pounds would be given to the Parish Council for the community benefit.

The Head of Regulatory Services stated that despite this, it should not be given weight in any Planning decision. He stated that it was fine if it happened parallel to the decision, it is not the Committee's concern.

Cllr Simpson clarified that she was happy with the scheme but even more so when she saw the offer of funding towards the community.

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

**DETERMINATION: PERMIT, subject to the conditions set out in the report for**

the following reasons:

The application seeks approval for the erection of a solar farm including solar panel arrays and associated equipment. The development is considered to have no undue adverse impact upon the landscape of the area or the residential amenity of the neighbouring buildings, would not adversely affect highway safety, increase flood risk or have a negative impact on ecology or archaeology. The development is not considered to be supported within the Melton Local Plan policy OS2 as it is not considered to be small in scale nor essential for the purposes of agriculture. However it is considered to meet the wider objectives of the NPPF, and the guidance published within the 'Planning Practise Guidance for Renewable and Low Carbon Energy', and the updated guidance in the NPPF National Planning Practice Guidance. Following the approach set out in paragraph 215, it is considered that the latter outweighs OS2 due to its more recent date and the absence of policy addressing renewable energy in OS2.

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- (2)    **Reference:**        14/00614/FUL  
       **Applicant:**        Miss J Stretton  
       **Location:**         Land off Sandy Lane, Melton Mowbray.  
       **Proposal:**         Change of use to allow the siting of a static caravan for one travelling family with the grazing of horses.

- a) The Applications and Advice Manager stated that: This application seeks planning permission for the change of use of the land to allow the siting of a static caravan for one travelling family.

Since publication of the report comments have been received from the agent stating that there is an incorrect point on page 6 of the report which states that "The agent advised that a temporary three year time limit would be acceptable". It was mentioned that the Planning Permission would be conditioned by a time limit being imposed but the agent has stated that a three year period would not provide a satisfactory level of certainty for the applicant to invest £ 40,000 to

1. Providing electricity and water to the site.
2. Providing a mini sewage treatment plant.
3. Providing a concrete base for the static unit and

4. A three year time limit would not allow sufficient time for the schooling of the applicant's children.

It was agreed in the officer's report that the proposal will not result in a significant or adverse impact on the landscape and on existing residential amenity. Is it possible therefore to significantly increase the level of certainty for applicant to confidently make such a large investment without jeopardizing the application?

In response to this the application has been assessed as to its compliance with relevant policy and its impact. The Council has a requirement for additional traveller pitches but this site is within an isolated location and in this respect not ideal as the site is not considered to be sustainable. Considering the proposal on a temporary basis enables a current need to be met whilst allowing the Local Plan to move forward and assess alternative sites which would be considered to be more sustainable. It is considered that the proposal should be granted with temporary three year consent as set out in the report.

Following the committee site visits clarification on the size of the site was sought and confirmation was provided that the site area is 1.7 acres.

b) Nick Marshall, agent for the applicant, was invited to speak and stated that:

- The level of uncertainty for this application was a stumbling block.
- The amount of investment to get the unit on the site and give it electricity and water was a lot of money for a three year level of certainty.
- The caravan park a field away had no time limit so was it necessary to put a time limit on this site.

The Chair stated that permission for stabling was granted earlier this year and asked if there was any mains water on the site.

Mr Marshall stated that there was not but it was not far away.

The Chair stated that she was concerned as four horses would drink approximately eight gallons each a day and wanted to know where the water would come from.

Mr Marshall stated that the stables would be connected to the mains.

The Chair asked for clarification that the site was not connected to the mains at present.

Mr Marshall confirmed that it was not.

Cllr Cumbers stated that she did not have much experience with travellers and asked if the family expected to continue travelling while they were at the site or if they would be static. She asked where the family was currently housed.

Mr Marshall stated that the family were currently housed in a location where they are continually being moved on. He stated that the children are getting to the age where they require a proper education and the family want a good base for the children to be educated.

Cllr Cumbers asked if the family expected to carry on travelling.

Mr Marshall stated that he expected that there would be occasions when the family



would leave the site, travel and come back.

Cllr Holmes stated that she did not understand Mr Marshall's reference to Mr Button.

Mr Marshall stated that Mr Button was granted planning permission for several caravans on a field, roughly one field away.

The Chair clarified that Dalby Road was being referred to.

The Applications and Advice Manager confirmed that Mr Marshall was referring to the Dalby Roadsite. She stated that that scheme was deemed acceptable at that time as it provided a mixture of transit and permanent pitches on the site and it was assessed for where it was and the advantages that that site had. She advised that in considering this site, the panel were asked to consider it as an exception site and that there was a difference in how the two sites were assessed. She stated that the reasons this site did not have the benefits that the other scheme had on offer. She noted that this site was for a single family and was what was considered to be an unsustainable location. She explained that the applicants had approached the Local Planning Authority with exceptional circumstances and asked the panel to consider this. She explained that this site may be extended in three years' time and what needed to be considered was it was an exception and there was a gap in the Policy and until the Local Plan was in place which would provide a permanent solution, the temporary site would allow for the process to be undertaken.

Cllr Simpson stated that the agent had said that three years was not long enough and it seemed to be somewhere for the family to settle rather than travel from. She noted that the site was in an isolated location, which meant there would be no impact on neighbouring residential amenity, and there were no mains for water. She was concerned because there was a statement by the Government that travellers who stop travelling should be dealt with the same as anybody else and not under the travellers' policy. She stated that this was in consultation or under review but may be something that would be coming forth shortly. She stated that she did not know where this application fell in with that brief from the Government.

The Chair stated that a Gypsy Travellers Working Group had been set up and the Local Plan was moving forward to provide five or six sites throughout the borough, which would be large enough to site more than one single family. She stated that there was a move to attempt to get travellers to live in permanent residence, but according to the Gypsy Liaison Officer from Leicestershire County Council, they only live on the ground floor and there were not enough single storey houses in the borough to house them.

Cllr Simpson stated that if the family had stopped travelling and wanted education, she thought as per the recent statement from the Government that travellers should be treated as other people. She stated that therefore the site should be looked at mainly as to whether or not it was sustainable because the country is short of houses and if people say they are travellers is it allowed in place as unsustainable. She stated that the NPPF was clear on sustainability and they had given extra guidance for travellers. She stated that she was unsure on if this was a traveller's application

or not.

The Applications and Advice Manager stated that the application was being considered for a traveller family. She responded to Cllr Cumbers' question of whether the family would carry on travelling and stated that as a travelling family, they may travel and use that site as a base. She stated that the application was not made in the terms that the family would not be travelling and that this was for a permanent residence, it was a change of use to allow the applicants to site the caravan in that location. She stated that with regards to Policy, the issues that needed to be considered were whether the site was in a sustainable location and in determining applications for travellers' sites the level of provision and the need for the site needed to be considered. She stated that there were no sites to offer an alternative site and the lack of availability of other sites needed to be part of the assessment of the application. She stated that the personal circumstances of the applicant were in the report as to why the family had asked for the site. She stated that there was a gap in the Policy and new sites would come through the Local Plan process, and applications from any travellers and not just those with local connections would be considered. She referred to the Government Planning Policy and stated that sustainability was a key issue which is why she felt the three year temporary consent was necessary to allow other sites to be looked at through the Local Plan Process. She stated that the Committee had been asked by the applicant to consider the application as a more permanent arrangement.

Cllr Cumbers stated that she agreed there was a gap in the Policy, and it was a poor reflection on the Council that sites were not up and running a long time ago. She stated that the application would not meet the need as it would be for one family and not available to other travelling families however great their need. She noted that this was out of the normal criteria. She stated that the Committee was aware of the irrational hostility towards the idea of gypsies and travellers, but this did not apply to them. She stated that travellers were not lepers who should be kept away from residential areas and noted that Planning Policy stated that travellers need and are entitled to the same facilities which non-travellers enjoy including access to education, health welfare and employment infrastructure, and travellers also needed the opportunity to socialise with non-travellers if they wish. She stated that in particular the children needed the opportunity to play with local children, not just at school time but at other times. She stated that the site was so remote that those children would not be able to travel as children normally travel between houses to play together, bearing in mind the site was only have one or perhaps two families. She stated that Policy H21 allowed gypsy caravan sites if any permanent site would be well located to community facilities, which was not the case for this site. She stated that sustainable transport meant safe and suitable access to the site could be achieved for all people, which was not so for this site. She noted that Condition 7 in the Report stated the site must be used solely for residential with no business or commercial activities, but travellers traditionally work on their sites and if there was a problem with an untidy site, that could be managed properly. Cllr Cumbers felt that this was difficult as she understood that working onsite was part of travellers' culture, for example scrap metal. She felt that it was mean that there could be nothing like that on the site; therefore there was a need for properly managed sites. She stated

that £40,000 was a lot of money but it would not be much different if there was a site there which would have ten pitches, which would make that more viable.

**Cllr Cumbers proposed to refuse** based on the fact it was contrary to Policy H21 as it was not well-located to community facilities and general lack of sustainability.

**Cllr Illingworth seconded the proposal** for all the reasons stated. He felt that he could not help but put his weight, on the unsustainability of that particular site.

The Chair stated that permission for stabling and horse grazing had been granted at a site approximately 1  $\frac{3}{4}$  acres. She asked the Applications and Advice Manager how the horses would be fed if the site would have concrete pads for the caravans. She stated that 1  $\frac{3}{4}$  acres was not a big enough area for four horses and was concerned that the site was not big enough to put concrete down and have horses.

The Applications and Advice Manager stated that the stabling replaced existing stable blocks, so there was already structures and stabling there. She stated that it was looked at as to why those proposals were compliant with Policy. She stated that the Planning Statement said that the applicant had four valuable coloured horses and whilst her most pressing need was for a permanent site for her family, the application site has the benefit of stables where she can keep her horses and be within sight and sound of them to provide the security required for these animals. She clarified that this was stated as part of the personal circumstances the applicant wishes to be considered.

Cllr Illingworth asked if Cllr Cumbers was happy for that aspect to be incorporated in the reasons for refusal. Cllr Illingworth stated that, in an effort to be consistent with his view on a previous one, where the application states and specifically relates to the grazing of horses he believed the Committee were duty bound to ensure that the acreage and the availability and quality of the grazing was in accordance with some well-established industry guidelines. He stated that he was not an equine person but gathered that there were Animal Welfare Standards and although it was not necessary to judge from a Planning point of view, where an application specifically states four horses are involved, 1.7 acres with a reduction for some concrete does not comply with the requirement for grazing four horses. He stated that he would like this to be incorporated in the reasons for refusal.

Cllr Cumbers stated that she was happy for Cllr Illingworth's proposal that the land was not suitable for horses to be a reason to refuse. Cllr Cumbers stated that the site did not give the horses room to gallop and noted that the application specifically stated for grazing and the land was not sufficient to keep one horse.

Cllr Holmes stated that if horses were kept outside, DEFRA and the British Horse Association state that each horse needs 1 acre of land each, so if there were four the site goes below that. She stated that racing stables may have only ten acres and perhaps fifty horses, but this was a different matter because they would be kept inside.

The Applications and Advice Manager responded to Cllr Illingworth's concern that the site was unsuitable for the grazing of horses and stated that the approval for the stable blocks had granted consent for horses on the site; however the number of horses allowed was controlled by a different legislation, not through Planning regulations. She stated that the application was for the change of use for the siting of the static caravan on the hard-standing and the concern over the suitability of the site and the size of the site for the number of horses is controlled through another mechanism.

The Chair stated that this was a loophole because every winter there is cruelty with ponies that are kept out without sufficient shelter and hay. She believed that Planning and Animal Welfare should come together.

Cllr Cumbers stated that she agreed but also agreed with what the Applications and Advice Manager said. She stated that the proposal had included the grazing of horses and suggested that if that had not been included it would not be being discussed.

The Applications and Advice Manager clarified that this was included in the description because the grazing of horses was considered to be part of the applicants' special circumstances. She stated that the Committee were within their right to consider that in respect of the fact the applicants asked for this site because they had horses, but it was incorrect to have it in the description of the development because horses could currently be grazed on the land with the Planning Permission they had.

Cllr Freer-Jones stated that the stables had not been built and there were no horses on the site. She stated that she had not seen any buildings on the site visit, except for some foundations, but there were no horses grazing.

The Applications and Advice Manager confirmed that there were some structures and remains of a building and that there were no stables or horses on site.

Cllr Simpson asked how many stables there were in the application that preceded this application.

The Applications and Advice Manager stated that she could not remember.

The Chair stated that the application that was passed on the 4<sup>th</sup> February 2014 was approved siting of four loose boxes, two tack rooms and two separate buildings on concrete bases to replace the existing structure. She was concerned that there would not be enough grazing land.

Cllr Holmes wanted clarification that the previous application had not gone to Committee.

The Chair confirmed that the decision was delegated.

Cllr Douglas stated that she was concerned with the issue of the children needing education. She noted that a condition in the report stated that the site would be temporary until 31<sup>st</sup> October 2017, which she felt was a good deal between the family and the owner of the land and after three years the family could revise their situation and give themselves time to adapt to the lifestyle. She stated that if the family were given time to settle on the land they may decide to settle in a bungalow or move on.

**Cllr Douglas proposed to permit the application** for the stated reasons.

**Cllr Baguley seconded the proposal** and stated that there were fields around the site in terms of care of the horses. She asked if the restriction of time had to be three years and asked for it to be five years due to the expense of getting mains water and a base for the caravan.

Cllr Douglas agreed that it would take time to adapt and stated that five years would allow the children education time to allow them to make their own decisions, as opposed to three.

Cllr Freer-Jones wanted clarification that certain things were not a matter of Planning and wanted to know how a proposal for approval could be considered based on the family adapting. She asked if this was a Planning consideration.

The Chair raised the issue of taking additional land and stated that somebody needed to let or sell the land which was not a Planning issue.

The Applications and Advice Manager asked for clarification on the proposal. She asked if site's suitability for the grazing of horses was accepted as a reason for refusal in the sense of the site not being large enough to accommodate the caravan, stabling and the horses.

Cllr Cumbers confirmed this and stated that no horses stay in the stable all the time and need space to run.

Cllr Illingworth agreed and stated that the site was 1.7 acres and that some of this was taken up by other things, and this left less than 1.7 acres which was not enough for four horses.

The Head of Regulatory Services stated that the Committee were in danger of crossing the line between Planning and Animal Welfare. He stated that it was unknown if the family had a site rented for the horses, or what type of horses they were as they may be fed by means other than grazing.

The Chair suggested that the application be deferred so full facts could be gathered.

**Cllr Bush proposed to defer the application.**

A vote was taken: six Members voted to refuse the application, four members voted

against refusal of the application.

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

- 1. The proposal site is located in a relatively isolated location where there would be a significant reliance on the private vehicle for accessing local facilities. The location is considered to be unsustainable and is not well related to community facilities. As such the proposed change of use is contrary to saved Policy H21 of the adopted Local Plan and national guidance in 'Planning Policy for Travellers Sites' and the NPPF.**
- 2. Due to size of the site it is considered that the site is not suitable for the siting of a static caravan, hardstanding, stables and the grazing of horses.**

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- (3)    **Reference:        14/00597/LBC**  
       **Applicant:        Dilveer Brach**  
       **Location:         Roof Tree Cottage, 4 Main Street, Hoby.**  
       **Proposal:         Rear garden room extension, renovation of garage,**  
                              **replacement all windows, vent to cooker hood.**

- a) The Applications and Advice Manager stated that:  
This application relates to Listed Building Consent for the erection of a rear garden room extension, replacement windows, renovation of existing garage and internal alterations. The application site is a rendered and thatched detached grade II Listed Building within the Conservation Area for Hoby.

There is a correction to the report on Page 5 the final paragraph at the top of the page in bold is incomplete and should read;  
"It is considered that the proposed works to the listed building are acceptable and comply with the relevant policies subject to conditions."

Since publication of the report an additional letter of objection has been received stating that this cottage is the oldest inhabited cottage in Leicestershire and has presented iconic view approaching Hoby via the Brooksby Rd for centuries. The proposed glass box addition to this property will destroy this view. From the approach road it will appear as much more than a single storey addition, as the land falls away from the property in this direction and the proposed addition will reach up to the sill of the bedroom window and continue out for 6 1/2 metres at this height. From the road this building will rise for about 4 1/2 metres at south end. The footprint of this addition is probably about a third of the size of the footprint of the existing property. Hoby is in a conservation area, which is being significantly changed in nature by the addition of modern glass boxes to inappropriate old properties

This comments are similar to objections already been submitted and have been addressed within the report.

The application proposes a modern addition to a Grade II Listed building within the Conservation Area for Hoby. The application is for Listed Building Consent and planning permission for the extension has already been approved. The assessment therefore is as to whether the development would have a detrimental impact on the listed building and whether it would cause harm to this heritage asset. As set out in the report, whilst it is considered that the extension is a modern design which contrasts with the existing structure it is considered to complement the historic building. The extension is considered to continue the evolution of the building and is an appropriate and suitable addition to the heritage asset.

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

- b) James Hayworth, on behalf of the objectors, was invited to speak and stated that:
- The timbers of the cottage date from the 1500's and since then there have been seventeen monarchs that have reigned. This highlighted the history of the cottage.
  - Roof Tree Cottage is the oldest dwelling in Hoby and one of the most interesting buildings in the county.
  - It should be protected for future generations to have the opportunity to admire it.

Cllr Bush stated that the cottage would have undergone many changes and doubted that the building is currently the same as it would have been in the 14<sup>th</sup> Century.

Mr Hayworth stated that he believed it was changed in the 19<sup>th</sup> Century.

Cllr Bush stated that it was changed recently and that things change.

A second objector came forward to speak and the Members were asked if they would suspend standing orders to allow a further speaker.

**Cllr Cumbers proposed** that a further speaker would be allowed on the understanding that there was some confusion.

**Cllr Illingworth seconded the proposal.**

A vote was taken in favour of suspending standing orders to allow a further speaker. The vote was unanimous.

- c) Bob Ellis, on behalf of the objectors, was invited to speak and stated that:

- The new extension would damage the setting of Roof Tree Cottage, the rear elevation of which stands in a prominent and elevated position at the entrance to the Hoby conservation area.
- The report claimed that the harm done would be less than substantial.
- The English Heritage guidance stated that there must be clear and convincing justification for any harm to significance however slight and whether through direct physical impact or change to the setting.
- Harm done to the setting of a Listed Building can be justified if it would produce benefits for the wider community and not just for private individuals.
- The report failed to mention that such benefits were required to be public and not private.
- The report acknowledged that the extension would have most impact but errs by seeking to justify the harm which it would do by saying that it would provide additional space to allow it to provide flexible family accommodation. This was a private and not a public benefit and consequently was not a justification recognised by the NPPF.
- The only other justification offered was the work would ensure the continuing higher level of maintenance of the building but this acknowledged that unlike many others this Listed Building was already in an excellent state of repair.
- It was not on the 'at-risk register' and its survival does not depend in any way upon a new extension.
- A development which impacts on the setting of a Listed Building can be justified if it is to enable a change of use to secure its future viability.
- Roof Tree Cottage already has a perfectly viable use as a dwelling and according to Right Move, sold for well above the average price of £390,000 in 2012.
- The application should therefore be refused on the grounds that there is no clear and convincing justification for the harm the extension would do to the setting and significance of Roof Tree Cottage as a heritage asset.

d) Anu Ojha, the applicant, was invited to speak and stated that:

- Comments from Melton Borough Council had been taken on board throughout the application and an approvable scheme was achieved with Planning Permission approval.
- Understood the emotions expressed by the objectors as the love for the cottage's heritage and character was shared and have developed a plan to continue the building's long history of evolutionary development whilst minimising any changes to its historic structure.
- An architect with extensive experience of working with Listed Buildings was chosen and from the outset sought to create a vision that complimented and contrasted with the existing building.
- Worked to conceal much of the proposed single storey structure behind the existing garden wall.
- The garden room's natural sedon roof and timber glazed doors, as well as



the natural materials enhancements to the garage were all deliberately chosen to soften visual impact.

- The footprint of the proposed extension was small compared to the overall property and the large glass doors were chosen to allow the retained elements of the existing historic structure to remain visible.
- The garden is also important and the design would enable it and the view over the valley to be enjoyed all year round.
- Many immediate neighbours recognised and supported the sensitivity of the approach in working within the NPPF guidelines for proposed additions and alterations to heritage and assets.
- Less than 300 years ago, Roof Tree Cottage was less than half its current size. Until the turn of the 19<sup>th</sup> Century, the current south wing of the house did not exist. When the wing was constructed, it was originally as a windowless barn.
- It was only within the last eighty years that the current south facing doors and windows were added along with the internal upper floor.
- As owners who are passionate about the history, character and future of the cottage, it was felt that the proposed garden room will add the latest 21<sup>st</sup> century chapter to the long evolving story of Roof Tree Cottage.

The Applications and Advice Manager responded to Mr Hayworth's comment that there should be no change to the building as it was a Listed Building and stated that the consideration of a Listed Building application was whether the proposal conserved the historic character and appearance of the building. She explained that having a Listed Building status did not mean that nothing could happen to the building. She clarified that the application was assessed by the Officer as 'having less than substantial' harm. She disagreed with Mr Ellis' concern that the benefits of the application were private and not public as she considered the improvements to the appearance of the garage, the future maintenance of the Listed Building, the improvements to the housing stock and the longevity of the building to be public benefits.

Cllr Holmes stated that the house was only attractive because people had kept it looking attractive. She stated that the application was a wooden structure which could be taken down.

**Cllr Holmes proposed to permit the application** as she felt that the applicants had taken the advice of the Officer and were attempting to make the dwelling better. She felt that the proposal would preserve the house and make it look better.

**Cllr Simpson seconded the proposal** as per the Officer's recommendation as she thought it was a good report that took a lot of things into consideration. She agreed with Cllr Holmes and stated that the NPPF was very strong on the fact that we should enhance and improve the way we live our lives.

Cllr Bush stated that he too was happy to support the application as he felt that the house did not lose its character as the main part of the Listed Building

would remain exactly as it was. He stated that there had already been a lot of changes to the building and that would continue.

The Chair noted that some of the windows of the building were in poor condition and the application included the replacement of the windows, which was a positive. She stated that if the application were to be refused, there would have to be an application for the windows.

Cllr Baguley stated that she was happy to support the application but wanted a condition that timber windows would be used.

The Applications and Advice Manager confirmed that this wording and materials could be added to Condition 4a.

Cllr Holmes stated that she was happy to add this condition.

A vote was taken and it was unanimously decided that the application should be allowed.

**DETERMINATION: APPROVE, subject to the adjustment of condition 4a to specify the use of timber replacement windows, for the following reasons:**

**The proposed development would be beneficial to this heritage asset. The totality of these works would ensure the continuing high level of maintenance of the building and provide additional space to allow it to provide flexible family accommodation and as more secure future. The works to the windows and the garage will have a positive and beneficial impact on its character and appearance. Much of the proposed extension is sensitively situated behind an existing boundary wall. The modern design clearly identifies it as a new, separate structure which does not attempt to emulate or replicate the listed building. This type of design does not compromise the integrity of the historic building or affect the significance of the asset.. Due to its scale and siting it would be a subservient extension which would contrast but not detract from the designated heritage asset.**

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The meeting was adjourned at 7.26pm.

The meeting reconvened at 7.31pm.

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- (4) Reference: 14/00547/FUL  
Applicant: Mr A McKenna - Homelink Properties Limited  
Location: The Homelands, 4 Dickmans Lane, Harby, LE14 4BG  
Proposal: Pair of semi-detached houses.

- a) The Applications and Advice Manager stated that:  
This application seeks planning permission for a pair of semi-detached 3 bedroom dwellings within the village envelope for Harby. Outline consent has previously been granted on the site for the principle of two 2 bedroom dwelling and the access and parking. No layout, design or landscaping has been approved.

Since publication of the report further advice has been sought from the highway authority in respect of the parking arrangements. The agent has confirmed that there is an agreement in place between the applicant and the prior owner and applicant of the previously outline consented application to deliver the consented conditions on the outline. A boundary to the parking provided for numbers 2 and 4 Dickmans Lane can be provided to enable the parking to be delivered. In light of this the highway authority has suggested rewording to Conditions 4-9 on the report need replace with the following reworded conditions:-

The site lies within the village envelope for Harby and as such there is a presumption in favour of development. It is considered that the scheme has been designed to have a limited impact on neighbouring properties and the design is considered acceptable. The dwellings meet an identified need in the area and is considered to be supported by the requirements of the NPPF.

Accordingly the proposal is recommended for approval as set out in the report.

- b) Dr Phillip Sewell, on behalf of the objectors, was invited to speak and stated that:
- There were large trees to the left and to the bottom of the neighbouring garden which meant that the only light that arrived at the property came from the location where the proposed dwelling would be built.
  - The application condemned him as a neighbour to lose garden and light.
  - The report talks of the site as a brownfield site, but it was a garden with an old, derelict garage sited on it.
- c) Cllr Rhodes, Ward Councillor for Long Clawson and Stathern, was invited to speak and stated that:
- The development was too large to be put in such a small site.
  - The car parking was impractical.
  - The site was too small for a three-bedroom proposal and it was an over intensification of development.
  - The application should be refused.

Cllr Baguley agreed with Cllr Rhodes that the site was too small and stated that it would have an effect on the amenities of the neighbour as they would have no light at all, and the report stated that the development should not cause undue loss of residential privacy, outlook and amenities enjoyed by the occupant of existing dwellings in the vicinity. She felt that the parking was not very

satisfactory and felt the application should be refused as the site was too small and the proposal should be one small house with some garden around it and adequate parking. She noted that Highways stated that Dickmans Lane was not very busy, but it could be busy at school times and it was a bad corner, and to add four more vehicles would not help.

**Cllr Baguley proposed to refuse** the application due to over intensification of the site, unsatisfactory design and the outlook and residential amenity of the neighbouring dwelling.

**Cllr Freer-Jones seconded the proposal** for all the reasons stated and confirmed that when talking about the loss of residential privacy Policies OS1 and BE1 would be appropriate.

Cllr Illingworth noted on page 4 of the report under the heading 'Amended Plans Comments' and asked for an amendment that it should read 'two three-bed houses', not 'two two-bed houses'.

Cllr Simpson sought confirmation that the application was for a two-bedroom dwelling or three-bedrooms.

The Applications and Advice Manager confirmed that the proposal was for two bedrooms and a study which could be utilised as a third bedroom.

Cllr Simpson asked who was able to use the three parking spaces in front of the site.

The Applications and Advice Manager explained that the three spaces were provided for two separate dwellings.

Cllr Holmes asked if permission had been given for the application or if it was given on appeal as the relevant history in the report included 'outline permission for two 2 bedroom dwellings with access and parking. Application approved 27.09.14.

The Applications and Advice Manager clarified that the date was incorrect and should read 27.09.13 and the outline permission was dealt with under delegated powers.

The Chair clarified that the applicants had permission for that application, but this was a fresh application to turn it into a two and a half bed dwelling.

Cllr Holmes stated that she felt it was over intensification of a site and that it was back-land development.

Cllr Illingworth stated that he would support the refusal as he felt that the permission for the two 2 bedroom dwellings was as far as it should go.

Cllr Freer-Jones asked for a point of clarification about outline planning permission as she thought this could be put through first but the FUL application would not necessarily have to be accepted.

The Applications and Advice Manager clarified that an outline application agreed the principle of residential development on a site. On the site there was approval to put two 2 bed properties and access and parking has been approved. She stated that the siting, the location, the design, the height and the sizes had not been approved.

A vote was taken and it was unanimously decided that the application should be refused.

**DETERMINATION:REFUSED for the following reasons:**

**1. The proposed dwellings due to their size and location would create an over intensive development resulting in a detrimental impact on the residential amenities of the adjoining property and leading to unsatisfactory parking arrangements. The proposal is considered to be contrary to saved Policies OS1 and BE1 of the Adopted Local Plan.**

**2. The pair of semi-detached dwellings are not considered to reflect the architectural detailing of the locality and the design is not considered acceptable. The design of the dwellings is considered to be contrary to saved Policy BE1 of the Adopted Local Plan and Part 7 of the NPPF 'Requiring Good Design'.**

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- (5)    **Reference:**    14/00634/FUL  
      **Applicant:**    Mr Richard Botterill  
      **Location:**    Church Farm, Middle Street, Croxton Kerrial  
      **Proposal:**    Demolish redundant Dutch barn and replace with extension to existing poultry processing and storage facility.

Cllr Botterill left the meeting at 7.49pm.

- a) The Applications and Advice Manager stated that:  
This application proposes there demolition of a redundant dutch barn and the erection of an extension to the existing poultry processing and storage facilities.

Since publication of the report comments have been submitted from the County Archaeologist who has advised that having reviewed the application they do not believe that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and would therefore advise that the application warrants no further archaeological action

The application is recommended for approval as set out in the report.

**Cllr Holmes proposed to approve** the application.

**Cllr Baguley seconded the proposal.**

A vote was taken and it was unanimously decided that the application should be approved.

**DETERMINATION: APPROVED, subject to the conditions set out in the report, for the following reasons:**

**The principle of the proposed extension is considered to be acceptable as is the design and siting. The extension would preserve the character and appearance of the conservation area and would have a limited impact on adjacent properties. The proposal would also be acceptable in terms of highway safety. The proposal complies with policies OS1 and BE1.**

D52. PLANNING APPLICATION 13/00552/FUL: BRENTINGBY- REVIEW OF SITE INSPECTION PROCEDURE

The Head of Regulatory Services stated that:

The report responds to the concerns expressed by Cllr Holmes at the meeting of 25th Sept. These are rehearsed in detail in para 3.2.1 in detail – i.e. that when the site visit took place it the Committee did not view the correct application site, but look at a different parcel of land.

Focussing on this scope for 2 reasons – firstly, in order to highlight that the report follows the Committee’s instructions and secondly because you may be aware of many other issues that have been raised about this application and this site inspection (to be expanded upon by Cllr Graham) – but the report addresses only the concerns tabled by Cllr Holmes that the incorrect site was viewed. Those other issues are being sent to us gradually and will be dealt with properly through the complaints process – thus allowing the complainants to escalate and if necessary refer to the Ombudsman.

The investigation followed the steps set out in paras 3.3.1 comprising review of the papers, retracing the committees visit, receiving an account from Mr Reid (who was

present) and seeking consensus or otherwise with his account.

The final aspect of this is reported at para 3.4.5. However, unfortunately a Member was missed because they did not appear on the attendance sheet but she now advises:

*“My recollection of the site visit concurs with Mr Reid except in two areas:  
I wouldn’t be able to confirm if we were in the north western corner of the yard but I think we went up quite a way.  
I honestly can’t remember stopping at the side of the road at point D,*

*I remember being asked if we wanted to follow the path to where the turbine was going to be sited. We declined to go. We were also told the direction of where the turbine was going to be over in the next field after the one we could see.*

*I was one of the abstentions on committee night because although I couldn’t see harm to others, I felt the landscape was too important to put a huge turbine on it.”*

The report concludes that there is no evidence that the ‘wrong site’ was viewed. This isn’t to say that some participants have expressed shortcomings about the visit in terms of the viewpoints, explained where views were limited or have an unclear recollection – but none have said that they viewed a site other than that the application relates to.

The report does not seek adjudicate the quality of the inspection overall and should not be interpreted as a ‘clean bill of health’ for the event. It conveys the findings on the specific allegation of the wrong site being viewed and on that no new information has been presented that one was. Hence the conclusion has to be that the concern is unsubstantiated.

Cllr Graham, Ward Councillor for Wymondham, Freeby and Brentingby, was invited to speak and stated that:

- It is the concerns of some, including Freeby Parish Council, he wished to express.
- Freeby Parish Council is not a strident, argumentative, negative council, it is one that is quietly efficient and gets on with serving its community positively.
- The frustration the application caused them is unprecedented as is the subject of on-going correspondence with the Council.
- Not qualified to comment on which site was visited, the merits of wind power or whether the correct decision was reached over the application.
- The purpose of a site visit is for members to gain factual knowledge and make a visual assessment of the development for proposals, the application site and its relation to adjacent sites.
- While driving along the B676 it is obvious that the hedge blocks any constructive view of the site 3.4.2 and the map referred to at 3.5.1 at Appendix 2 stated that several of the spots that the site visit stopped at, the actual site of the application could not be seen.

- Understood that trees and pylons could pinpoint the spot in the distance.
- Hard to envisage the size and impact of a turbine compared to a tree or a pylon.
- The entrance gate to the site of a narrow lane was unsuitable for large artic lorries coming off the main road and would have to drive past the site to turn around and approach from the other direction.
- It is accepted by all that no one went to the actual spot to see the application site and its relationship to adjacent sites. This is particularly relevant when it comes to the two houses closest to the site.
- We live in an age of localism where residents and interested parties must have confidence that everything is done to the highest standard.
- Site visits are not mandatory and no one is entitled to a view but is that the sort of Council we want.
- Believed that embedded ethos had fallen short on this occasion.
- The underlying theme of the report that all went well is questionable and this gives not just the sense of unease to those who wish to question the process but, from a Borough Council's point of view, added time and costs to a department that is already under pressure.
- Asked the Council to look again at their procedures, not just with regards to site visits but at the relationship with statutory consultees who are important and are there to reflect the interests of the elector within the parameters of the law so that confidence could be given to all concerned that as many aspects of an application as possible have been examined.

The Head of Regulatory Services stated that the role he was given was not to review everything that happened, it was to address Cllr Holmes' complaint that the wrong site was looked at. He stated that he took on board the comments from Cllr Graham and appreciated the recommendation to review how procedures were undertaken, but the focus for the report, and therefore for the discussion, would be whether the right site was viewed. He clarified that in Appendix 2, point A marked where the bus parked; point B marked where the Members travelled; point C marked where the first view was taken and he had revisited point D and was confident it provided an unobstructed view of the site.

Cllr Holmes stated that there were points from the Parish Council that said the Committee were invited to consider the results of the investigation and determine any future steps; however the Planning Decision had been issued before the report had been presented to the Committee and therefore made it impossible for any future steps to be taken.

The Chair asked for clarification as the investigation was about the site visit.

Cllr Holmes stated that if the report was about the site visit, surely the decision notice should not be sent out until everything had been sorted out. She stated that she understood Members had been asked to send their comments on the 29<sup>th</sup> September, and the decision notice was given on the 30<sup>th</sup> September.



The Chair wanted clarification on how this related to the site visit.

Cllr Holmes stated that it related to the procedure that had taken place and explained that the Parish Council were asking why the decision notice was sent out when there had been problems. She stated that the Parish Council wanted clarification on who had responsibility for the conduct at the site visit, the Chair or the Officers.

The Chair stated that Cllr Holmes had asked for the investigation of the site visit.

Cllr Holmes agreed that she asked for the investigation of the site visit but the Parish Council wanted to know if any of the Committee had visited the site or the farm before.

The Chair clarified that this was what the Head of Regulatory Services was referring to as part of the complaints procedure.

Cllr Holmes asked why residential amenity was not considered as an integral part of the site visit.

The Head of Regulatory Services stated that this was not about the subject of the complaint Cllr Holmes made which was whether the correct site had been viewed, not whether other sites should have been visited.

Cllr Holmes stated that she would like to hear the audio of the meeting on the 25<sup>th</sup> September 2014 as she asked why other places had not been looked at.

The Head of Regulatory Services stated that he took the remit for the complaint from the Minutes and those Minutes were the ones that had been signed as a true record with a single abstention earlier in the meeting. He stated that on pages 129-130 in the second paragraph was where Cllr Holmes first lodged the complaint. He quoted, 'When the Committee went on their site inspection they were not shown the site where it was going to be, but an alternative location.'

Cllr Holmes stated that she did not say that.

The Head of Regulatory Services read from the fifth paragraph on page 130 of the Minutes from the 25<sup>th</sup> September 2014, 'Cllr Holmes raised concerns that she felt a planning application had been allowed in a different place to what was proposed' and from the last paragraph of page 130, he asked 'for clarification from Cllr Holmes that she was saying they were shown the wrong parcel of land by the officers' and she answered 'yes'.

He stated that because Minutes were only a summary he listened to the recording of the meeting and wrote a transcript of its content. From this Cllr Holmes had said "*when the Planning Committee went to look at where the turbine was, it was not where it was actually proposed, it is actually in line with Woodend Farm*", and she later said "*A planning application is clearly not in the*

*place it should be, how can it be passed?"*The Head of Regulatory Services stated that his question was recorded as, *"Are you saying that when the site visit took place the Officer showed you the wrong parcel of land?"* to which Cllr Holmes responded "Yes".

Cllr Holmes stated that she was not at the site visit but she went to Woodend Farm and she was told that the turbine would be in alignment with the pylon on rising ground. She stated that if the proper map was viewed it would be found that the actual map was wrong. She stated that the residents of Woodend Farm sent three emails and normally site inspections include visits to other places.

Cllr Freer-Jones referred to statement that had been read out and clarified that when she had said the Members were shown a direction she assumed that the direction they were shown was correct. She stated that having never been to the site and not having an ordnance survey in front of her with a compass she could not say if the site that they were shown was the correct site.

The Chair stated that the same could be said for everyone who attended the site visit.

Cllr Simpson referred to Appendix 2 and stated that at point B in the centre of the farmyard the Members were told the direction of the site was north but looking at the map, the site was not North, it was to the left. She stated when she visited a dwelling after the site visit, the occupant advised that the site was north, thus the red spot on the map appeared to be in the wrong place.

The Head of Regulatory Services stated that the application site was North West and this plan was used by the presenting Officer on the site visit.

Cllr Illingworth stated that there would appear to be some debate over the accuracy of the red dot and its position on the map but he did not argue as to whether he was looking at the right site because he believed that to be the right site. He stated that the indisputable fact was that the Members did not get near enough to the site to be able to be certain. He stated that the Members did not go to the North West corner of the yard from where there was an unobstructed view. He stated that he did not disagree with the Head of Regulatory Services' finding that the Members looked at the right location and believed that they looked at the right site but did not have an unobstructed view of the site from the yard. He stated that he was happy to accept the report although he was not happy to comment on it on a much broader issue of the procedural correctness of the site inspection. He stated that he was happy there would be on-going investigations into the procedure of that site visit as he believed the lead officer's summary was inaccurate.

Cllr Bush stated that he did not entirely agree with everything Cllr Illingworth said. He stated that there were two viewpoints stopped at; one on the lane going up to the main Saxby Road and the second approached the slope towards Brentingby turn and he was happy that the right site was viewed from those points. He stated

that he was clear on where the turbine would be. He agreed with Cllr Illingworth that the Members did not visit the field where the turbine would be exactly.

The Chair stated that on previous turbines the Members had never visited the actual siting of where the turbine would be, it was always viewed from afar. She asked if site visits in the future should include the actual point of where the turbine would be.

Cllr Illingworth stated that it was subject to debate and opinion as to whether the visit was near enough to the site and whether it was viewed from the right angle. He stated that he believed the Members did not get near enough and did not have an unobstructed view and suggested that procedures needed to be put into place. He stated that he was hopeful that accepting the Head of Regulatory Services' report would not stop broader problems being looked at and Freeby Parish Council's concerns.

The Head of Regulatory Services stated that the Parish Council's complaints would be dealt with and those deliberations could be brought back to the Committee if required.

Cllr Simpson stated that there were other aspects of turbine cases such as the residential amenity and when properties are affected then the site should be viewed from those properties to see the potential impacts upon the property.

The Chair stated that she was disappointed that there was no request for a visit to Woodend Farm.

The occupant of West End Farm, Mr Barnett, was in the audience and stated that he had not known they needed to invite the Committee.

The Chair stated that this procedure needed to be revised.

Cllr Illingworth questioned if people were supposed to know they had to invite the Members onto their land. He stated that it was surely up to them to decide whether objections have weight enough to warrant a site visit. He stated that if the stance is that objectors have to invite the Committee onto their property, they must be told that this is what they have to do and it is incumbent on the Committee to inform the public of this.

The Solicitor to the Council stated that site visits were not mandatory and that Members must be satisfied on policy unless material considerations dictate otherwise.

Cllr Cumbers stated that she knew site visits were not mandatory but that they were found to be extremely useful and instructive and felt that if they had been to the dwelling it may have influenced any decision differently.

Cllr Holmes stated that Mr Barnett's house was not on the plan and she did not

know why as it was very close.

The Chair stated that in future more surrounding properties should be included.

Cllr Holmes referred to the turbine in Somerby and stated that it was viewed from all aspects. She questioned why then the site could not have been viewed from down the pathway. She stated that she was very disappointed as they were there as Councillors to do their best and she did not think they had.

The Chair stated that possibly the report that went to Committee was not full enough with surrounding properties as it did not stress the impact it would have on these properties.

The Head of Regulatory Services stated that all of the properties were in the report and it could have been requested to view the site from anywhere. He stated that the application could have been deferred at the Committee meeting if they felt anything needed to be checked so the Officers were entitled to proceed assuming the Members were confident in their understanding.

Cllr Cumbers stated that she agreed and stated that elected members were relied on, and if there is an area that they know better than other Members it would be incumbent on them to pay extra attention.

Cllr Freer-Jones asked whether the purpose of the Committee considering this was to come up with a better plan or if it was another decision they were making.

The Chair stated that it was for future applications.

Cllr Freer-Jones clarified that it was not to go back on any decision. She stated that the responsibility also lay with the Committee to pay more care and attention, but also needed a strong steer from people who know the areas better. She stated that in the future the site visits had to be more extensive, especially with applications that had a lot of objections.

Cllr Illingworth stated that he did not suggest that individually and collectively the Committee were beyond reproach and was not laying the blame on Officers. He stated that it was incumbent on them as individuals to ask more questions.

Cllr Bush stated that he did not disagree with Cllr Illingworth. He stated that on a site visit he would not leave the site unless he was happy with what he had seen and if he was not happy he would ask questions.

The Chair stated that Members were always given the opportunity to question.

Cllr Bush stated that he was happy with what he saw at the site visit and where the turbine would go.

Cllr Illingworth stated that there were many lessons to learn on all quarters and

he would approach site visits differently in the future.

Cllr Freer-Jones stated that she would take responsibility to ensure she would ask more detailed questions and that the Officers are able to give all the information needed. She stated that she was not putting the blame on any one person and they needed to ask investigatory questions and ensure they cover all angles.

The Chair asked all Members to sign in if they were following the site visit in cars.

Cllr Cumbers stated that the record of the site visit showed her leaving early when she had not.

Cllr Simpson stated that the onus was on the Councillors if they wanted to see more and that the Members should all go together to see the same thing.

Cllr Douglas stated that she was a substitute for the Planning Committee which gave her a fresh view. She felt that it was important to consider the consequences to what it would seem like to an Inspector in terms of an Appeal if there was an argument about what had been seen or not seen, even if it was viewed by the Solicitor of the Council as not being important to know exactly where the site is, it would not look very professional. She stated that if there was a possibility of an appeal of something so sensitive then it had to be right, so perhaps the whole process could be revised.

The Solicitor to the Council clarified that it was not his intention to convey that it was not important to see the site. He stated that Members must be satisfied that they have had looked at the application and the Officer's report, and determine that against Policy.

The Chair thanked the Head of Regulatory Services for the work he had put into the investigation and stated that the situation would be learned from. She reiterated her previous disappointment that they had not been invited to view the site from other viewpoints such as people's residencies. She was concerned that one of the houses was not even on the map.

Cllr Cumbers stated that she often saw that out of date maps were being used and she thought that more up to date maps should be used.

The Head of Regulatory Services clarified that the maps were not out of date, but the most up to date available. He explained that the OS only updated them slowly so sometimes buildings had been built that the maps had not yet caught up with.

The Chair stated that the site visit policy would be reviewed in view of the shortcomings of this one.

#### **DETERMINATION:**

**(1) That there is no evidence, from any source, indicating that the Committee viewed the incorrect site when undertaking its site inspection. Accordingly, the complaint is unsubstantiated.**

**(2) That the procedure for undertaking site inspections is reviewed**

D53. URGENT BUSINESS

None

D.54 14/00078/OUT – PROPOSED RESIDENTIAL DEVELOPMENT NOTTINGHAM ROAD, MELTON MOWBRAY – PLANNING APPEAL.

Cllr Botterill re-joined the meeting at 8.44pm.

Cllr Baguley left the meeting at 8.44pm.

The Regulatory Services Manager presented his report and stated that: An Appeal had been lodged against the decision of a planning application and an informal hearing was to be held in December. The four reasons for refusal had been scrutinised closely and in summary the view was that based on additional scrutiny by independent experts and recent case law that it should be questioned whether it was necessary to pursue three of the four reasons for refusal.

Two of the reasons related to Ecology, so an independent Ecologist had been approached to assess the case to see how it stood up against the evidence that was provided by the applicant and the view of the County Council Ecologist and the result was that there was not a case that could be argued successfully in terms of Ecology and Wildlife.

The fourth reason for refusal related to the scheme being prejudiced short of the delivery of the emerging Local Plan. However, the Planning Inspectorate is looking closely at the National Advice and in terms of prematurity they are looking closely at two key criteria: is the scale of development such that it is likely to be prejudicial to the emerging Local Plan and is that plan at an advanced stage.

Taking independent advice on the Ecology and Wildlife and having regard to the way in which the Planning Inspectorate are considering the issue of prematurity it was felt that it was the duty of Officers to inform Members that the view is the case is weak and money would be spent on putting the case together, and the appellants would put forward their case which was likely to succeed on these particular grounds and also be successful on a claim for costs. Whilst the appellants would have incurred some costs to date it is possible that should the Planning Authority review or reassess those grounds the costs to the Authority could be minimised.

On the basis of the best evidence to date, a further review of the case and consideration of which the Planning Inspectorate is now looking at these

cases, the assessment of the case is that there were serious concerns about the grounds.

The Chair asked if Cllr Illingworth had proposed the refusal of the application.

Cllr Illingworth confirmed that he had. He stated that it was disappointing to hear that the case would be weak at appeal. He asked for clarification that there were four reasons and three of them were diluted. He asked to be reminded of the fourth reason.

The Regulatory Services Manager stated that the first reason for refusal related to the contrary to Policy OS2 and the impact upon the landscape, and the view of the Members that the harm to the landscape outweighed the benefit of the development. He felt that this could be put forward as a reasonable case and this aspect should be focused on as an aspect upon which has the greatest chance of success.

Cllr Illingworth was reassured by this and quoted comments that had been made before that one sound reason was worth four unsound ones. He stated that he was happy to defer to the expertise of Officers and he was glad to hear that they thought reason one was a good enough reason to defend the case on. He asked that if the authority conceded and took the other three reasons out, was the case better or certainly no worse.

The Regulatory Services Manager confirmed that it would be certainly no worse and would avoid abortive costs.

Cllr Illingworth stated that he was happy with the proposal.

Cllr Cumbers stated that she was not part of the decision and she was uncomfortable because although the decision now belonged with the Local Planning Authority, she felt that those who made the decision were perhaps the ones who should change it.

The Chair stated that she was the only Member who did not support the refusal.

Cllr Cumbers stated that she had read the papers and if she had been there she would have been minded to permit.

Cllr Simpson stated that she felt after reading the papers that she might be minded to permit but the Ward Councillor's speech changed her mind. She stated that she was happy to proceed with reason one.

Cllr Botterill stated that reason one was the only reason that could stand up. He asked if it would cost if the appeal was lost.

The Regulatory Services Manager stated that he thought there was no reason

the appellant's would go for costs on reason one.

Cllr Bush stated that traffic had been one of the major issues discussed but that could not be used so other things had been picked up on that could add weight. He stated that it was quite right to go back to the strongest point.

Cllr Illingworth stated that he recalled because County Highways had no concerns it was felt that to go against the County Highways was a weak argument that would not stand examination. **Cllr Illingworth proposed to accept** the Officer's recommendation and defend the case on reason one only.

**Cllr Simpson seconded** the proposal.

A vote was taken: eight members were in favour of the proposal and one abstained.

**DETERMINATION:**

- 1. That the three reasons (2, 3 and 4 ) for refusal relating to ecology/wildlife and prejudicial to the local plan are not contested at the Informal Hearing.**

The meeting commenced at 6.00 pm and closed at 9.00 pm