



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

18 February 2014

PRESENT:

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

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

D71. APOLOGIES FOR ABSENCE

Cllr A Freer-Jones.

D72. DECLARATIONS OF INTEREST

Cllrs Chandler, Holmes and Botterill stated that their business interests were insured by Crawford and Company who were also the applicants for 13/00890/TPO. They stated that this may lead to a prejudicial interest and would therefore not participate in the debate of the application and leave the room for its duration.

D73. MINUTES

Minutes of the meeting 30 January 2014

The Chair noted that on page 131 there was an error in the stated reasons for

approval which could not be amended without further information. Cllr Holmes proposed that approval of the Minutes be deferred. Cllr Botterill seconded the proposal to defer. It was unanimously agreed by Members to defer the approval of the Minutes of the 30.01.14.

D74. SCHEDULE OF APPLICATIONS

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

- (a) The Regulatory Services Manager stated that:

Cumulative impact: this issue had been raised by some objectors. A plan before Members indicated turbines under consideration, refused and approved in the Borough. Of these, 2 smaller turbines to the south of the site (15m and 25m high) and 2 applications to the east at Thorpe Satchville, had been approved in the vicinity, however those to the east have been 'called in' by the Secretary of State and are therefore still under consideration.

Need: Objectors had raised issues of 'need' for this turbine. Paragraph 98 of the NPPF was quoted in the report before Members and there was no requirement for the applicant to demonstrate the need for low carbon energy production. Members had to keep this fact in mind when considering the application.

Statutory observations: no objections had been received from either the County Council's Ecology department or their Rights of Way officers.

Heritage assets: the site was between Frisby and Gaddesby both of which had conservation areas and listed buildings; however Frisby is separated from the site by a ridge and road and therefore is fairly invisible to the application site. Other villages are further away (2.5km or more) and therefore there was no impact on their conservation areas or listed buildings.

The Chair noted that Dr Thew's presentation was augmented by a slideshow onscreen.

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

- The proposal would have a major detrimental impact that cannot be justified by the insignificant energy production
- Only a financial benefit to the applicant, the community gets no benefit
- It will be almost the size of Nelson's Column and will be visible over a distance of 10km, and be a new very visible feature in the landscape
- Its approval will set a precedent in an area already seeing more turbine applications
- Information in the application is generic and not specific to this site
- What is the future of the countryside when damaged by turbines for the benefit for only farmers?
- Piecemeal development of turbines is wrong
- The government states that Members should listen to local opposition and there is a real risk that the area could be invaded by single turbines
- The Council should support overwhelming local opposition.

The Chair noted that DEFRA were recommending farmers to diversify and take up opportunity to produce renewable energy. She reminded the speaker that farms are a business.

Cllr Dr Thew replied that making money is not wrong but did not wish to see a turbine in every field.

The Chair noted that not all farmers required the all energy produced by turbines.

Cllr Dr Thew said that turbines produced more energy than most farms needed and that the government needed a strategy on turbines.

The Chair noted Cllr Dr Thew's comments with respect but added that the government have pushed farmers to diversify and use turbines where possible.

Cllr Cumbers agreed that it was wrong that only the applicant receive a benefit from the energy produced. She asked Cllr Dr Thew how much money he felt to be appropriate for local communities.

Cllr Dr Thew replied that if communities got together and applied for a turbine then that would be different but it was wrong to force a turbine on a community that does not benefit.

Cllr Holmes stated that she had spoken to the Ward Cllr for the area and he had only found 2 people opposed to the turbines.

Cllr Dr Thew replied that the Ward Cllr had attended a public meeting on the 08.01.14 and had seen many objectors present.

(c) Mr Hawthorne, an objector, was invited to speak and stated that:

- He lived in Gaddesby and was speaking on behalf of local residents
- 12 families would be living within 1 mile of the turbine
- It would be very visible from his house
- He found out about the application only 24 hours in advance and wonders how many other people did not know about the proposal. Only a few would have known until it was discussed in the Melton Times
- He was in favour of green energy production but not at a cost to local people
- He did not want the area to appear as a soft touch for turbine applications
- The green belt between the villages was worth preserving
- We oppose the application because of its impact on the landscape, nearby houses and livestock
- The Council should wait for further guidance and protocols from the government before deciding on turbine applications.

The Chair asked officers for details about the applications advertisement.

The Regulatory Services Manager stated that immediate neighbours had been informed, site notices displayed, Parish Councils notified and an advert placed in the Melton Times.

The Chair noted that some Parish Councils had not commented.

The Head of Regulatory Services stated that officers had followed clear requirements set out by government on the publicity of the application.

Mr Hawthorne stated that site notices were not effective and suggested the application be delayed for further consultation.

Members noted that the consultation period was still outstanding and asked officers to check the length of time remaining.

The officers advised that the consultation period advertised in the Melton Times would conclude on 27.02.14.

Cllr Illingworth **proposed deferment of the determination of the application** until the consultation period of the press advertisement had expired.

Cllr Simpson **seconded the proposal to defer the determination.**

A vote was taken: 8 in favour to defer and 1 abstention.

DETERMINATION: DEFER, for the following reasons:

To allow the consultation period of the press advertisement had expired.

- (2) **Reference:** 13/00862/FUL
 Applicant: BP Oil UK Limited
 Location: BP Egerton Park Self Serve, Leicester Road, Melton
 Mowbray
 Proposal: Demolition of existing sales building, canopy and car
 wash, and construction of replacement sales building, car
 wash, canopy, fuel pumps, underground fuel tanks, ATM,
 vent tower, A/C and refrigeration units, refuse enclosure,
 parking, services and associated works

The Head of Regulatory Services advise that he had taken measurements of the internal parking arrangements within the site and did not consider they resulted in a conflict between parked vehicles.

A Member stated that they pleased that a company was coming to Melton to improve a facility here.

Cllr Cumbers, a Ward Councillor for the area agreed. She stated that she was always pleased to see new local shops. She **proposed approval of the application.**

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

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

DETERMINATION: APPROVE, for the following reasons:

The proposal relates to the replacement and repositioning of the sales building, fuel pumps and car wash of the BP Oil site on the corner of Leicester Road / Dalby Road. The new revised sales building will provide for food retail and a café, with refuse in a secure storage area to the side of the building. There will be clearly marked out parking spaces within the site, and one

additional petrol pump to increase capacity as a petrol filling station. The new proposed canopy is smaller than the existing and it is considered that the development overall improves the appearance of the site within the streetscene. Subject to the imposition of conditions, it is considered that the proposal will not have a negative impact upon residential amenity or highways safety, and the design of the proposal is considered to meet the objectives of policies OS1 and BE1.

Although the site is on the edge of flood zone 2 the use is considered to be 'less vulnerable' and does not increase the paved area. It is therefore considered that the flood risk elsewhere will not increase due to the proposals, and the development passes the sequential test. It is considered that the proposals comply, subject to conditions with the relevant sections of the NPPF and policies OS1 and BE1 of the Melton Local Plan

- (3) Reference: 13/00929/FULHH
Applicant: Mr S Palmer
Location: Devonvale, 11 Easthorpe View, Bottesford, NG13 0DL
Proposal: Retrospective permission for the erection of new 1.8 metres close board feather edge and post fencing as existing.**

a) The Planning Officer stated that:

The application proposed retention of the close boarded fence that is enclosing the side and rear garden of the application site.

Since publication of the report the applicant has provided further information to support his application. It was stated that:

The Parish Council had given their approval without any conditions and so he had assumed that everything was in order.

Similarly, Andrew Dudley, Enforcement Officer assured him that he could see no problems but that he should obtain planning permission.

Planning permission was applied for and the fee paid; this was acknowledged on 14 January 2014.

On the above two points the Parish Council made no representation on the planning application. Mr Dudley visited in an Enforcement capacity advising Mr Palmer to submit a planning application. No enforcement action would be taken until the outcome of the application was known.

Mr Palmer had provided a Land Registry plan which was shown on the screen for Members.

The original H M Land Registry document includes a fencing indicator and stipulates: **“minimum 1825 high heavy grade creosoted post and panel screen fencing thus”**. He had studied the document carefully and believed the fence indicator (a zigzag line) follows the line he has used for the new fence. However, as could be seen on the screen it was not conclusive, and no plans were available to verify the landscaping.

He also had added that: There was already some wooden fencing following the edge of the pavement at the end nearest to Grantham Road when he bought the property. The fence was not complete; it was to have scalloped top edge and painted in a more restful colour; as noted on the site visit. The fencing secures the private amenity space and he would like to create a vegetable plot and erect a greenhouse and the additional land gained by the site of the new fence will allow him to do this. A considerable amount of money and time spent on the present fencing and much of it would not be re-usable. For this reason and those expressed above, it was hoped that the Committee would look favourably upon his request to keep the fencing as existing.

The fence is considered to not be in keeping with the character of the area and amendments were sought to reduce the length of fencing through removing the garage from the enclosure and also suggesting a set back from the highway before joining the back edge of the pavement where the garden narrows. The applicant is not willing to amend the proposal for reason stated within the update to the Committee this evening.

The boundary treatment was previously a dense hedge which had a softer appearance on the streetscene however the committee are invited to consider if the existing fence is harmful in its present form and are not required to make a comparison based on what was there previously. In the officers opinion the fence does not have a positive contribution upon the character of the area and is recommending refusal.

b) Mr Palmer, the applicant, was invited to speak and stated that:

- The land registry plan clearly indicated the boundary of the land at the edge of the pavement
- Where other properties have rear gardens the layout of No11 means that the side garden was also the rear and therefore to make it private it needed to be fenced, some part of the boundary was always fenced anyway
- The Leylandii hedge took up more room and view, a point discussed with the nearest neighbour, who did not object to the new fence

- When complete it would be scalloped and stained to be a more attractive fence, the majority of people would not be able to see the fence from their properties
- It is suggested that the estate is open plan but many gardens have high hedges enclosing gardens.

The Chair stated that she had lived in the area for a long time and she could not remember a fence at that part of the estate.

Mr Palmer stated that the section in from of a small electric sub-station was fenced.

Cllr Illingworth asked what colour the applicant intended to stain the fence.

Mr Palmer replied that a dark green stain would be used.

Cllr Bush asked why the hedge had been taken down.

Mr Palmer stated that it had become too massive at nearly 2m deep.

The Chair agreed with the officer's report and **proposed refusal of the application.**

Cllr Wyatt **seconded the proposal to refuse the application.**

Members discussed other applications for similar fences and also that people should be allowed to protect their gardens. They asked what would have been permitted development without need for a planning application.

The Planning Officer replied that a fence of up to 1m would not usually require planning permission.

A vote was taken: 7 voted to refuse the application and 2 voted against refusal.

DETERMINATION: REFUSE, for the following reasons:

1. **The fence, by virtue of its height and siting on a prominent highway bend within an open planned estate represents an unsightly feature within the streetscene. The fence does not positively contribute to the area and diminishes the visual attractiveness of the open plan estate. The proposal is considered to adversely affect the character and appearance of the area and is therefore contrary to saved Policies OS1 and BE1 of the Adopted Melton Local Plan and the advice in the NPPF on design.**

- (4) **Reference:** 13/00919/FULHH
Applicant: Mr Philip James
Location: 24 Oxford Drive, Melton Mowbray
Proposal: Two Storey Rear Extension

a) The Regulatory Services Manager stated that:

This application seeks planning permission for a two storey extension to an existing domestic dwelling to provide a larger bedroom and a dressing area to the master bedroom and a new family room/kitchen. It is felt to comply with local policy and is before Committee as the applicants wife is employed by the Council.

There are no updates to report and the application is recommended for approval as set out in the report.

Cllr Holmes agreed with the officer's report and **proposed approval of the application.**

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

A vote was taken: 8 in favour of approval and 1 abstention.

DETERMINATION: APPROVE, for the following reasons:

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1, BE1. The site is capable of being developed without compromising the existing residential amenities of neighbouring properties and a suitable access is available along with a garage and an area for parking within the site.

Cllrs Chandler (the Chair), Holmes and Botterill left the meeting at 7.05pm due to an interest previously declared. Cllr Cumbers took the Chair.

- (5) **Reference:** 13/00890/TPO
Applicant: Crawford and Company
Location: Parsonage House, 13 Paradise Lane, Old Dalby
Proposal: Fell one Wellingtonia (Redwood) Tree

a) The Regulatory Services Manager stated that:

The proposal was to fell one tree. The application had been before the Committee previously and was back before Members again with the addition of a supporting expert report stating that the tree is damaging the property. Considering the technical data specifically, it was with reluctance that that the recommendation was to remove the tree.

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

- He represented the insurers of the applicant and had an extensive specialism in the area
- He confirmed the soil type at the site was very affected by the tree and has proof of this from tests carried out and trial pits dug
- The movement of the ground is typical of that caused by the Wellingtonia and that though pruning may work for a period the tree would need to lose 90% of its form to be successful and leave no amenity value to the tree
- Though it is a big tree it is still young and future growth will have an even bigger detrimental impact on the dwelling.

Cllr Wyatt agreed with the officer's report and the speaker and **proposed to approve the application** stating it was a shame to lose a fine specimen but they had to consider the property also.

Cllr Simpson **seconded the proposal to approve the application** agreeing that it with regret that the tree must be taken down.

A vote was taken: 5 in favour and 1 against.

DETERMINATION: APPROVE, for the following reasons:

The Wellingtonia (sequoia) tree is likely to be the cause of further subsidence to Parsonage house and therefore a sufficient case has been put forward in order to allow the removal of the tree.

Cllrs Chandler, Botterill and Holmes returned to the meeting at 7.10pm

D75. URGENT BUSINESS

None.

The meeting commenced at 6.00 p.m. and closed at 7.14pm.