



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

19 December 2013

PRESENT:

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

Observing Cllrs: J Orson and Rhodes

Solicitor to the Council (VW), The Head of Regulatory Services  
Regulatory Services Manager, Applications and Advice Manager (KM)  
Planning Policy Officer (PG), Administrative Assistant (JB)

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The Chair noted that the meeting was being recorded.

D50. APOLOGIES FOR ABSENCE

Cllr G Botterill

D51. MINUTES

Approval of the minutes of the meeting held on 28 November was proposed by Cllr Baguley and seconded by Cllr Holmes. The Committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

## D52. DECLARATIONS OF INTEREST

13/00655/FUL: The Chair stated that she would leave the meeting during debate on the application due to a personal interest being declared.

13/00617/FUL and 13/00596/FUL: Cllr Orson stated that he would leave the meeting during debate on the applications due to a pecuniary interest being declared.

13/00498/FUL: Cllr Holmes declared a possible pecuniary interest and asked the Solicitor to the Council for advice on the matter. The Solicitor to the Council stated that the matter would be confirmed prior to the application being heard in order to establish the exact circumstances and therefore make a correct recommendation.

Cllr Orson left the meeting 18:06

## D53. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00596/FUL  
**Applicant:** Mr G Habenicht – Six Hills Renewables Limited  
**Location:** Six Hills Farm, Paddys Lane, Old Dalby LE14 3LY  
**Proposal:** **Erection of a single wind turbine (79m to blade tip) and associated infrastructure including transformer substation, crane hard standing and temporary construction area. Also upgrade and extension of farm access track and widening of existing site entrance.**

(a) The Head of Regulatory Services stated that:

- erection of one wind turbine with a blade tip height of 79m
- located approximately 9km to the North West of Melton Mowbray, between the A46 Fosse Way and the A6006 Melton to Rempstone Road.

He added that further correspondence from consultees at East Midlands Airport (EMA) regarding issues arising with safety were expected. He went on to ask if the Members preferred to defer the application till this information was available for consideration.

Cllr Holmes **proposed to defer the application** to allow discussions to continue with East Midlands Airport with regard to air traffic control issues.

Cllr Cumbers **seconded the proposal to defer the application.**

Members debated the proposal.

A vote was taken: 6 in favour of deferment and 3 against deferment.

**DETERMINATION: DEFER**, to allow discussions to continue with East Midlands Airport with regard to air traffic control issues.

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Cllr Moncrieff entered the meeting at 18:12 and apologised to the Chair.

- (2) **Reference:** 13/00617/FUL  
**Applicant:** Hallmark Power Ltd, Smisby Road, Ashby-de-la-Zouch, Leicestershire  
**Location:** Vale View Farm, Nottingham Lane, Old Dalby, Melton Mowbray LE14 3LX  
**Proposal:** Erection of 2no. 250kW wind turbines and associated infrastructure, including access track.

(a) The Head of Regulatory Services stated that:

- 2 turbines proposed: The proposed turbines are 3-blade models, both with a hub height of 30m and a blade diameter of 30m
- Location very close to the last item, and naturally issues are similar.

One late objection to report:

- These turbines are too large and too close to areas of population. The adverse effects of noise on those living in proximity are well known and a growing body of scientific opinion casts grave doubt on the validity of the ETSU-R 97 guidelines.
- Aside from noise nuisance and health impact, the impact of these turbines must be considered in the context of other impending applications, to assess the cumulative impact upon the surrounding countryside. They are of a size which is incompatible with sustainable development and therefore are mainly an income generator from subsidies they will receive. The well-being of a community - both local and, in the case of visual impact, our wider community - should not be compromised for the personal gain of one or two individuals.

- Without doubt, the noise nuisance and health concerns will diminish house prices in the area.

Our concerns with this application are similar to the previous application: Aviation – an objection from EMA, but in this instance we are not aware that dialogue is on-going and a solution may be achievable.

Noise – there has been no assessment of the noise impacts on a cumulative basis. The Dalby wind farm is close and the combined effects will determine living conditions

Cumulative effects – we have concerns in this instance that the turbine would combine with others in the same area and present a preponderance of turbines in a small area in doing so, we have measured this only against the turbines definitely going ahead (as opposed to those in the planning system), as including the others would be entirely speculative. This is entirely a matter of judgement; there are no prescribed thresholds or limits. We have concluded that the turbines – all within 3 or 4 miles of the site – amount to unacceptable cumulative impact.

Residential amenity – concern that 2 particular properties will find themselves with turbines in 3 directions, the combined effect of which will offer no respite for residents.

Cllr Holmes **proposed deferment of the application** so EMA can be given time to respond.

Cllr Freer-Jones **seconded the proposal to defer the application.**

Members debated the proposal.

A vote was taken: 4 in favour of deferment, 4 against deferment and 1 abstention. The Chair used her casting vote – to continue to hear the application.

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

- The reasons for refusal are succinctly noted in the Officer's report
- The significant impact of the proposal is our main concern, however concerns regarding insufficient noise studies, aviation safety issues and cumulative impact of turbines on the landscape are also important
- The parish Council could not support any application which could endanger human life.

(c) Steven Bate, agent to the applicant, was invited to speak and stated that:

- They were aware of the reasons for refusal and the objections raised
- The EMA have been unwilling to enter dialogue with the applicant but they have not objected or been open to dialogue regarding other proposed turbine sites and even placed 2 turbines at the airport showing inconsistencies in their approach
- The visual and cumulative impacts are a subjective matter and note that the nearest turbine sites are 850m from this site
- This site will be seen as a small, separate group and add only a small additional impact overall – they will not dominate the landscape
- Noise surveys had not been undertaken as the nearest non-associated dwellings are 600m from the site and there is no reason to believe that they will be affected by noise
- The proposal accords with national and local policies and any conflict with planning policy is outweighed by the benefits of the turbines.

The Head of Regulatory Services sought clarification as to local planning policies he is referring to.

Mr Bate stated he was not aware of individual policies but that they are itemised in the planning statement submitted to the department.

The Head of Regulatory Services stated that OS2 was the only relevant policy and that its content does not extend to proposals of this nature.

Cllr Illingworth stated that the Officer's report was well balanced and he agreed with the recommendation. He **proposed to refuse the application.**

Cllr Baguley agreed stating that she felt that the Old Dalby area had their fair share of turbines already. She **seconded the proposal to refuse the application.**

Members raised concerns about making judgements on cumulative impacts, the EMA comments and the lack of clear advice from central government on the matter.

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

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

1. **The proposal if approved would conflict with safeguarding criteria relating to the safe radar operation of East Midlands Airport, therefore is refused in the interests of aviation safety.**

2. **Insufficient information has been provided in regards to the noise assessment. The applicant has not fully considered the combined effects of the proposed turbines together with existing turbines, or those with existing planning permission in the vicinity. Therefore the proposal is considered to the contrary to the guidance offered in the NPPF and the document “Planning Practise Guidance for Renewable & Low Carbon Energy”**
  3. **In the opinion of the Local Planning Authority the turbines would create an unacceptable cumulative impact in the landscape which cannot be made acceptable and would give the appearance of wind farm clutter, contrary to the guidance offered in the document “Planning Practise Guidance for Renewable & Low Carbon Energy”, the NPPF paragraph 98 and policy C2 of the Melton Local Plan.**
  4. **The proposal would have a significant negative impact upon the residential amenity of neighbouring dwellings, specifically Upper Grange Farm, Old Dalby Lodge and Wad House Farm. It is not considered that there could be any mitigation which would overcome this issues, and therefore it is considered that that proposal is contrary to the guidance within the NPPF which states that when determining applications for renewable energy the application should be approved if its impacts are (or can be made) acceptable (paragraph 98).**
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Cllr Chandler left the meeting due to an interest in the application as disclosed. Cllr Cumbers took the Chair at 18:32

- (3) **Reference: 13/00655/FUL**  
**Applicant: James Goodson Esq**  
**Location: Field Numbers OS 1600, Castle View Road, Easthorpe**  
**Proposal: Installation of one 50 Kw wind turbine (height to hub 36 metres and height to tip 46 metres).**

- (a) The Applications and Advice Manager stated that:

This application proposes the installation of one 50kw wind turbine with a hub height of 36m and a height to blade tip of 46m. The turbine will utilise an existing access track from Castle View Road.

#### **UPDATE:**

Since publishing the report two further letters of objection have been received opposing the proposal on the following grounds:-

- The turbine will harm the setting of Heritage Assets locally and in particular Belvoir Castle and Bottesford St Marys Church and St Peters Redmile.
- The cumulative local impact with other similar developments locally including Allington and Houghton turbines and others already in the planning or appeal stage have not been considered. The cumulative impact assessment of the proposal is therefore incomplete.
- The damage to landscape character and visual impact on the villages in the Vale and another turbine will increase the negative impact.
- The pylon line passing very close to the proposal is approximately 30m high. The photomontages submitted grossly underestimate the height of the turbine.
- The application is invalid because the red line site boundary does not include all the land necessary to carry out the development.

The Applications and Advice Manager advised that the site boundary, the access track is existing and is within the blue line which is land within the applicants ownership. Accordingly any conditions relating to the access track can still be imposed.

Further comments have also been received from the local interest group BLOT following publication of the report. The main points raised, and the response to these, are as follows:-

#### Harm to Heritage Assets -

BLOT strongly refutes the Committee reports assessment of the Heritage impact on setting, historic landscape and historic relationships. The quality and sensitivity of views has been established at Public Inquiry but not properly addressed in the report.

They contend that a wind turbine with its moving rotor draws the eye far more than a pylon line would and creates far more harm.

BLOT therefore considers that there has been substantial evidence from experts and decisions by Inspectors and Local Authorities unequivocally demonstrating that the Heritage relationships and intervisibility between Belvoir Castle, St Mary's Bottesford and Staunton Hall (and church) are of the highest quality, highly sensitive and worthy of protection. The application and report has not given due weight in the process to the quality and sensitivity of these Heritage assets and therefore the conclusion is materially flawed.

In response to this the Heritage map submitted by BLOT (displayed) highlights how close the turbine is to the historic relationship between Belvoir castle and St Marys

Church. This is discussed at page 10 in the report where it is concluded that this is a single turbine which is significantly smaller than those considered at Public Inquiry. There are other heritage assets located further away but they are so distant and in some cases separated that it is not considered that they are impacted. Accordingly, she invited the Committee to consider the impact on the setting of the various Historic Assets in the area as a 'key issue', referring to advice provided on pages 8-12 of the report and informed by the site visit on Monday.

### Cumulative Effect

The report draws attention to only two proposals (Orston and Palmers Hollow) claiming that both of them have been refused. This is factually incorrect and gives no mention of any of the other proposed developments of both windfarms and single turbines.

The applicant and the report have therefore not given proper regard and consideration to cumulative effect. The 2013 DCLG guidance on cumulative effect has not been followed and cumulative effect conclusions have not been made on a sound basis, and as such this application should be refused.

The cumulative turbine map prepared by BLOT was displayed. The applications and Advice Manager advised that the cumulative effect of other turbines are a material consideration, but many of the turbines shown are still under consideration or in the appeal system (shown in red ) and there can be no expectation that they will get approval. Only four turbines have been approved, 2 of which are so distant that they don't appear on the applicants Zone of Visual Influence. Accordingly, the cumulative effect should be considered in this context.

### Noise

The comments made by MBC environmental health at p7 of the report provides a level of certainty which is not borne out by the facts existing within the Melton authority area. A wind turbine of the same type was installed at Sproxton (10/00250/FUL) without any noise conditions. This has resulted in noise complaints from neighbours which are located further away than this proposal which have not been resolved. The Authority has a duty of care to its residents and where there is prior knowledge of noise problems with a similar turbine, great caution must be exercised. However the report has neither matching noise condition nor any amplitude modulation condition attached to its recommendation which can be viewed as a failure of duty of care.

Further comments have also been received stating that the proposed noise conditions on p17 & 18 of the report are not easily enforceable and fail to meet the



tests in Circular 11/95.

The Applications and Advice Manager in response to this advised that there was room for improvement in the drafting of the conditions and accordingly should the application be considered acceptable in all other respects sought delegated power to adjust them.

#### Balance of Benefit and Harm

The report fails to demonstrate that the benefits specific to this proposal have been weighed against the harm. It is clear when all the harm is correctly weighed against the small amount of electricity generated this proposal should be refused.

In response the NPPF encourages planning authorities to consider renewable energy in a positive light and it is considered that the report adequately addresses all the issues to be considered.

#### Colour and finish

The applicant has submitted no colour information. The report believes colour can be left to condition however this is clearly unsafe, as it assumes colour can be changed, which the manufacturer states is impossible for the nacelle and turbine blades. The Authority is in danger of consenting a proposal without proper facts of colour and finish being provided before them. The colours of this particular turbine are Signal White and Traffic White which can in no way be said to blend in against the Belvoir scarp or the Heritage assets. Such colours will be discordant, adding to the harm, which has not been properly considered.

The Applications and Advice Manager advised that the colour suggested is considered to be standard for a turbine of this type and the condition is imposed for the avoidance of doubt.

#### Viewpoint and Photomontage reliability

The photomontages do not provide a true representation and underplay the actual visual impact. Viewpoint 1 clearly shows a discrepancy between the height of the turbine and the adjacent pylon and materially underestimates the scale of the proposed turbine and is therefore misleading. The viewpoints submitted are the only visual tool used to assess the proposed wind turbine and are therefore critical for the proper determination of the application. There are clear errors in the photomontages and these should be corrected, resubmitted and re-consulted upon before determining the application.

The Applications and Advice Manager stated that drawing submitted by BLOT (displayed) was considered at the site visit and the height of the pylon was

discussed. It is therefore considered that having viewed the site on Monday the Committee adequately informed to make a judgement on the impact of the proposed turbine.

### Conclusion

It is considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as unacceptable within national guidance. The proposal would also result in less than substantial harm to designated heritage assets in the locality due to its location and size. Accordingly, the balance of these issues is considered to favour the installation of a single wind turbine. The application is therefore recommended for approval with delegated authority to redraft the necessary conditions.

(b) Peter Caswell, on behalf of BLOT, was invited to speak and stated that:

- Each application must be determined on its own merits but relevant expert opinion on nearby application sites should be considered
- The landscape is sensitive and impact on heritage assets is unacceptable
- An Inspector and Melton Borough Council (MBC) have agreed during an appeal for a turbine site in the area, that the local landscape is important
- The photomontages are incorrect. This mistake should have been addressed earlier and they should now be resubmitted for reconsultation
- A similar turbine in another area has been giving people problems for 3 years
- The energy generated from the turbine will be only sufficient to power 4 electric kettles which is an insignificant amount and does not outweigh the impact on the sensitive and important landscape.

Cllr Wyatt asked for clarification on Mr Caswell's statement that the turbine's energy output will be limited.

Mr Caswell stood by his claim of the amount of energy generated.

(c) Mr Goodson, the applicant, was invited to speak and stated that:

- He acknowledged and respected the objections but commented that there were only 12 representations and BLOT, he went on to say that there was only 1 objection from the local village
- He pointed out that the landscape is not designated
- The proposed turbine is small scale and the nearest neighbour has not objected
- Regarding noise issues: he stated that the site is very close to an extremely

- noisy by-pass and noise from the turbine is unlikely to be heard over that
- The suggested that the views from Beacon Hill that objectors were concerned about, did include St Mary's Church and Belvoir Castle but also Ratcliffe power station, Waltham TV mast, many roads and other industrial development
  - He stated that refusals to previous applications in the area were irrelevant as this application was much smaller and very different
  - He pointed out that there had been no statutory consultee objections including English Heritage and that the neighbours closest to the site were in support of the application.

The Applications and Advice Manager replied:

- Many turbines are under consideration in the wider area but the results cannot be predicted and therefore appropriate weight has to be given to the possible impact on the area
- Members and Officers do not reply entirely on photomontages, they are only one factor amongst several; site visits are important and enables Members to consider the landscape and the scale of the development proposed
- The report states that the turbine will be a feature in the landscape but within a wide panorama and is judged not to damage heritage assets.

Cllr Bush stated he was happy to support the Officer's judgement. He stated that he had direct experience of a similar sized turbine and found not issues arising from it including noise. He **proposed approval of the application.**

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

Cllr Freer-Jones asked for clarification regarding OS2 and the balance of generating renewable energy. She went on to ask if the application held any benefit for the local community and raised concerns about protecting and enhancing the landscape.

The Applications and Advice Manager replied that according to the NPPF applications had to protect and enhance *designated* landscapes but this site and its context was not a designated area. She went on to state that turbines will aid the meeting of renewable energy targets and members had to consider this in balance with other aspects of the application.

Cllr Freer-Jones asked if Members could consider *any* landscape as 'valued'?

The Applications and Advice Manager replied that this is a matter for Members judgement but a significant and detrimental harm had to be demonstrated.

The Head of Regulatory Services reiterated the NPPF's approach to landscapes, their designation and their protection.

Members discussed methods of ensuring that land is returned to its former state after the lifespan of the application development including placing a Section 106 agreement (S106) on the development that set aside money for removal in the future. Members also considered heritage and landscape concerns, access arrangements and other applications for turbines in the area.

The Applications and Advice Manager agreed that it would be feasible for a S106 to be configured subject to the agreement of the applicant.

The Applications and Advice Manager stated that the County Highways Authority had made recommendations to overcome concerns regarding access to the site.

Cllrs Bush and Wyatt agreed that a S106 for a reasonable sum could be added to the conditions for approval.

The Head of Regulatory Services clarified that the sum would have to be negotiated with the applicant and included in a s106 rather than a condition..

A vote was taken: 4 in favour of approval, 3 against approval and 2 abstentions.

**DETERMINATION: APPROVE, subject to completion of a s106 agreement to provide funds to enable the Council to remove the turbine upon the expiry of its use in the event that the applicant (or the landowner at that time) failing to do so for the following reasons:**

**The proposal is considered to be supported in terms of principle by national policy in the NPPF as contributing to the wider aims of encouraging renewable energy and de carbonising the economy. It is also considered that the proposal will not adversely affect the character and appearance of the area to an extent that it is regarded as unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sited such as National Parks. It is considered that whilst there is the need for a balance between the interests of renewable forms of energy and landscape issues, in this instance the impact would be limited in extent on the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in the NPPF. Accordingly, the balance of these issues is considered to favour the installation of a single wind turbine.**

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

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Cllr Chandler returned to the meeting and resumed the Chair at 19:19

Cllr Holmes, after private discussion with the Solicitor to the Council declared a personal and prejudicial interest in application 13/00498/FUL and left the meeting.

- (4) Reference: 13/00498/FUL**  
**Applicant: Dr R Warren**  
**Location: Field OS 1277 Melton Road Long Clawson**  
**Proposal: Erection of a wind turbine (maximum height to blade tip 79m) and associated infrastructure including access track, substation with underground cables and crane hard standing. For the purpose of generating electricity**

The Chair recommended that Members needed to consider if standing orders be suspended, to allow further speakers to address the Committee due to 4 objectors applied to speak against the application. Cllr Moncrieff moved to suspend standing orders. Cllr Simpson seconded this proposal. Cllr Illingworth noted that in order to maintain fair balance the applicant or their agent should be afforded the same time as objectors to speak.

A vote was taken: 5 in favour of suspension, 3 against and 1 abstention.

Standing orders were suspended for this application.

- (a) The Head of Regulatory Services stated that:

The proposal was for a turbine with blade tip height of 79 metres with the hub height measuring 55 meters.

A large number of additional representations had been received since the report was published. Fortunately many cover similar issues and I will summarise them:

**Consultees**

Responses from the CAA, East Midlands Airport, Ecological advisors advising that the new information (submitted in October) does not affect their position.

NATS confirming no objection

Rights of Way Officer advising access arrangements are acceptable and adequate to safeguard users of the public footpath

### **Objections**

Detailed correspondence from 1 objector questioning the adequacy of the use of ETSU for measuring and limiting noise (there have been detailed exchanges which are quite complex, but the essential message being conveyed is that he considers ETSU to be flawed and out-dated and that it can lead to a possibility of people suffering noise and health impacts whilst at the same time complying with ETSU).

2 objections specifically stating that the wildlife and ecological assessments are inadequate.

24 further objections covering a wide range of issues in the same terms as reported in the report, namely:

- Landscape and countryside impacts owing to scale and position
- Cumulative effects
- Impacts on Heritage assets
- Noise
- Residential amenity
- Impacts on wildlife
- Effect on health

Several of these objections state support for the Long Clawson Action Group and their detailed submission.

The application presents the same issues with which you are familiar in other cases and these are all addressed in the report but attention was drawn to some of the key issues:

- Cumulative effect: a plan has helpfully provided by objectors. Adopting the same approach as earlier in the evening, one can see the number and frequency of installations of large scale turbines. The key judgement for the Committee is whether this frequency and distribution amounts to unacceptable cumulative effects. Our view is that this is less so than the examples earlier this evening – you will recall they were within 3 or 4 miles of a good number of others – but in this case they are more widely distributed, only 2 others are within this distance. Objectors have essentially followed the same exercise but used a much bigger footprint.
- Residential amenity – difficult regarding the properties on the edge of Holwell (displayed). This is because they face directly at the turbine and with limited cover it will be in ‘full view’. However, in our judgement - which has been influenced by review of appeal decision findings on this subject (Hillside at

Thorpe Satchville for example was found to be acceptable at appeal at a distance of 660m) – the distance involved renders it acceptable. However, there is no regulation or formulaic approach to this and the Committee invited to make your judgement on the facts. Similarly, the houses closer (1 -4 on the map) are of concern but in these cases we have concluded them acceptable because they do not face directly to the turbine – again a factor that is informed by earlier decisions.

- Noise – looking closely into the arguments about ETSU it is true there is a growing body of opinion that it has shortcomings. However, at a practical level the Government emphatically asserts that this should be used and reasserted this in its most recent guidance in July 2013 – this despite being lobbied about its shortcomings. More tellingly, in our experience it has been applied by the Government in every case we are aware of at appeal, even when challenged, and we have first-hand experience of this on a number of occasions. Accordingly, ETSU is and remains the applicable standard and in the light of Government advice and experience, I would advise against rejecting it because all the indications are that it would not be a position that could be defended.
- Landscape impact – the report explains findings on landscape impact in the singular sense. The Committee is experienced in making its judgement on the facts in relation to this issue and all I would wish to highlight is that the site is not designated AONB, an SSSI, in a National Park or other special designation – it doesn't encounter the 'red flags' in the NPPF so clearly this weakens our ability to refuse it on these grounds.

Finally, returning to first principles, the Committee is reminded that the duty is to balance the harm of the proposal against the benefits and only if it is outweighed (either by one issue or a combination of many) should the application be refused. The benefits of such proposals is generally accepted as being solely the generation of low carbon energy, and I would invite the Committee to proceed to consider if the adverse impacts outweigh them.

(b) Councillor Boardman, on behalf of the Parish Council (PC), was invited to speak and stated that:

- 10.10.13 Eric pickles issued a statement regarding planning practise guidance and low carbon energy stating that applications should not be automatically approved just because they present renewable energy generation
- There are a number of doubts on the application including the lack of significant contribution to energy production and no local benefits offered
- If approved people will have to live with the turbine for a generation
- Environmental impact may be acceptable but the application does not improve the environment
- The cumulative impact of the proposal needs to be assessed and found acceptable.

Cllr Moncrieff asked about the number of parishioners who have objected.

Mr Boardman replied that the PC had spoken to all objectors.

The Chair asked about the cumulative impact mentioned.

Mr Boardman pointed out that Eric Pickles has stated that members should consider applications for turbines as well as those already determined when considering cumulative impact.

The Chair stated that the other applications are not before the Committee and so it would be difficult to take these into consideration.

Cllr Simpson asked for clarification on the matter.

The Head of Regulatory Services did not disagree with Mr Boardman and summarised the guidance referred to by the Parish Councillor. He stated that determined and undetermined applications for turbines should be considered but the appropriate weight be given depending on the circumstances of the applications, i.e. it should not be assumed that undetermined applications will necessarily obtain permission.

(c) Alastair Benton, on behalf of 'Long Clawson Action Group' (LCAG), was invited to speak and stated that:

- There is no mention of the capacity of the turbine in the reports
- Application states the site is pasture land with no building on the land
- It also says the electricity produced will power 270 homes – but this is incorrect
- The cost of energy produced will be 4x national rate
- Policy OS2 and C2 give grounds for refusal
- The Melton Local plan designates the landscape as 'good'
- The Officer's conclusion is based on incomplete information is poor judgement
- The impact on Nursery Lane will devalue properties
- The application fails on all 3 principles of sustainable development.

The Head of Regulatory Services sought clarification as to why the large document provided on behalf of LCAG was submitted so late in the application process.

Mr Benton replied that the report submitted had depth that reflected the importance of the application and had been submitted in a timely manner.

The Chair confirmed that the Members had received the report over the previous weekend.

The Head of Regulatory Services asked for clarification on the Action Group's objections:



1. The reference to 'green belt'
2. On page 3 the source of the 200m separation distance for horse riders referred to
3. Also on page 3 where the report objects because that there is no Environmental Impact Assessment (EIA) - in what way does it meet the schedule 1 or 2 criteria which stipulates the requirement of the EIA
4. The decisions for turbines at Orston and Bottesford – clarification of their relevance to this proposal.
5. Pages 6 and 7 comprehensively list heritage assets; clarification of how these will be affected by the application.
6. On page 16 the report refers to policy BE8, however this policy was not 'saved' in 2007- clarification how is this policy remains relevant to this application?
7. Page 22 refers to policies from Harborough District Council; clarification as to how these polices are these relevant to the application.
8. Referring to the whole of section 9 in the report submitted; confirmation that this point is correctly understood, i.e. that the Action Group recommends the Planning Authority should not use and rely upon ETSU?
9. Paragraphs 9.15 to 9.34 on noise assessments; clarification of the issues raised?

Mr Benton replied:

1. Asking for clarification on the meaning of the term 'green belt' he went on to say that policies in the Local Plan state that the site is particularly attractive countryside
2. The Equine Association recommends the separation distances. The turbine will devalue land nearby due to owners not being able to use the land for horses
3. Not having an EIA is a deficiency and the Council should have one, it should be undertaken by an independent person also and would be essential for the Committee to make a judgement
4. The principles of planning can be applied to this application as they were in Orston and Bottesford
5. The turbine, if allowed, would be a feature in the area and will detract from the heritage assets. The balance found in the Officer's report is unsound and therefore the recommendation is unsound
6. Quotes from the Local Plan adopted in 1999, not aware of changes but MBC and NPPF have no policies to justify this application. The Members need to weigh up the harm; the Officer has the basic facts wrong and Members cannot make a decision on facts that are wrong

Mr Benton explained that he is not familiar with the content of the Action Group's objections and does not have them with him at present. He was addressing the Committee because he is accustomed to public speaking.

The Chair stated that not all policies from the 1999 Local Plan are current and therefore given any weight, she went on to say that some points made by Mr Benton are subjective and that Members have to be guided by the policies in the NPPF.

Mr Benton replied to the Chair by stating that the government no longer supported onshore windfarms and that Councils had to balance this against the harm from them.

Cllr Cumbers stated that she was not an expert and asked for Mr Benton's qualifications.

Mr Benton stated that he was a Fellow of the Institute of Surveyors, had managed strategic planning sites and been a project manager for large developments.

7. Replying to the Head of Regulatory Services: The questions arising from applications for turbines affect the whole area. MBC should give consideration to policies in other Councils where they are available. The main problem for MBC is that they do not have a 'wind policy'.
8. The Officer's recommendation would be better if an EIA had been done as this would clarify any issues.
9. Mr Benton stated that he did not write the document and could not clarify the noise issues in section 9.

A Member asked if an EIA would normally be required for this size of application.

The Head of Regulatory Services stated that legislation stipulates the criteria and that on this occasion the application does not warrant an EIA, he went on to say that it is believed there was sufficient information in the application and the officer's report to make a decision.

A Member asked about the issue of property and land value as a result of the turbine and if Members could consider this issue.

The Head of Regulatory Services confirmed that property and land value was not a planning consideration and should not be considered by Members.

(d) Roger Tucker, an objector, was invited to speak and stated that:

- He would focus on the impact on residents of Nursery Lane where he lived
- 25 people from 41 are against the application
- Nursery lane is 930m from the turbine and it is believed that people would be oppressed by the turbine
- The Officer's report does not consider the impacts on Nursery Lane in enough depth and the applicant does not show a photomontage of the view from these dwellings
- The moving parts will be above the tree line and horizon
- He supported the CLAG report and agreed with its conclusions on the impact of noise on residential amenity

- The view from the houses will be irretrievably changed
- The area is not designated but the escarpment is important
- The strongest wind is from the north and therefore we will suffer the most from this application
- Need to strengthen condition 8, should the application be approved, to enforce decommissioning
- There is no mention in the Officer's report on the application giving any community benefit.

Cllr Simpson asked if Mr Tucker would be able to see the turbine from his house.

Mr Tucker confirm he would be able to.

Cllr Moncrieff asked for confirmation of the figures from Mr Tucker's survey of the local residents.

Mr Tucker confirmed the figures.

(e) Mr Green, an objector, was invited to speak and stated that:

- He would focus on landscape and wildlife issues
- The escarpment is the most dramatic feature of the Borough
- The turbine will be an overpowering visual feature and cause an adverse landscape impact
- The turbine will tower over the whole area and the benefits will not be so significant to outweigh this impact
- There are concerns over its effect on bats and birds as the escarpment is an important feeding and breeding area and will affect especially migrating birds that do move at night time.

Cllr Simpson asked if issues regarding bats had been addressed in the report.

The Head of Regulatory Services confirmed that they had.

(f) Simon Wilkinson-Blake, an objector, was invited to speak and stated that:

- He would focus on the impacts on the older part of Holwell
- Holwell is a very old village, with lots of listed buildings in it and surrounded by nature reserves
- The impact is recognised in the Officer's report but then disregarded
- This size of turbine will have an impact so please do not experiment with an 800 year old landscape.

(g) Cllr Orson, Ward Councillor for the area, was invited to speak and stated that:

- When people visit the Borough they will see the 'Rural Capital of Wind turbines'
- The turbine site is on top of the Vale escarpment and will have a large impact on neighbouring villages; the landscape cannot absorb this size of turbine
- It is a shame that there is no EIA
- The application should be refused due to its impact especially the cumulative impact if other applications for turbines are approved.

(h) Cllr Rhodes, Ward Councillor for the neighbouring area, was invited to speak and stated that:

- The turbine proposed is too big for the location
  - The overall span will be 48m and will be seen from a considerable distance including many villages in the area
- The Officer's report states that a turbine of this size can be absorbed into the landscape but the Cllr disagrees, it is for the Members to make that decision.

The Head of Regulatory Services replied:

- Impact on residential properties and cumulative and landscape impact had been thoroughly assessed and the conclusions were in the Officer's report
- Impacts on bats and birds had been subject to an assessment which had been independently checked. The results were also in the officer's report
- Officers are confident that according to legislation the application did not require an EIA
- The decisions for other turbines cannot be replicated automatically to this site as different circumstances surround the application sites and details
- The officer's report discusses heritage assets on pages 6 to 10 in detail
- The NPPF directs Members to consider all aspects of the application and consider the balance of issues. Without a current set of policies the Members and officers are led by NPPF
- The report from LCAG suggests that Members ignore assessments using ETSU however very recently the government have reiterated the necessity of Planning Authorities to use this system of assessment and have done so themselves in recent appeal decisions, despite the arguments presented about its limitations similar to those we have heard tonight.
- Further noise data had been submitted that met the Environmental Health Officer's concerns.

Cllr Baguley **proposed to refuse the application** because:

- The proposed location is one of the highest in the borough and therefore the turbine could not be absorbed into the landscape
- This area already has its fair share of turbines and the cumulative impact has to be considered
- The turbine would cause significant harm to the landscape and especially the village of Holwell
- The application does not conserve or enhance the natural environment.

Cllr Illingworth **seconded the proposal to refuse the application** agreeing with Cllr Baguley and stating that the impact of the turbine would be too severe especially on the nearest dwellings. He went on to say that he believed that the application should have had an EIA as it was a contentious application.

A Member agreed and stated that the impacts outweighed any benefit.

The Head of Regulatory Services confirmed the reasons for refusal.

A vote was taken: 5 in favour of refusal, 3 against refusal and 1 abstention. Cllr cumbers wished for her vote against refusal to be recorded.

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

- 1. The proposed wind turbine would, by virtue of its height, position in the landscape and movement, introduce a new element into the landscape that would be widely visible. This visibility and presence would exceed that of any existing local features. The development would therefore constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate compensation. Accordingly the development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan, and the guidance offered in the NPPF in relation to sustainable development, design, renewable energy and the natural environment. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**
- 2. In the opinion of the Local Planning Authority the turbines would create an unacceptable cumulative impact in the landscape which cannot be made acceptable and would give the appearance of wind farm clutter, contrary to the guidance offered in the document Planning Practise Guidance for Renewable & Low Carbon Energy, the NPPF paragraph 98 and policy C2 of the Melton Local Plan.**

- 3. The proposal would have a significant negative impact upon the residential amenity of neighbouring dwellings, by virtue of its scale and proximity. It is not considered that there could be any mitigation which would overcome this issues, and therefore it is considered that that proposal is contrary to the guidance within the NPPF which states that when determining applications for renewable energy the application should be approved if its impacts are (or can be made) acceptable (paragraph 98).**
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Cllr Holmes returned to the meeting at 20:31

The Chair suspended the meeting at 20:31

The meeting resumed at 20:45

The Chair asked to amend the agenda, by hearing application 13/00685/FULHH next to accommodate a request from the applicants due to time constraints from child care arrangements. Members agreed unanimously.

The Chair asked Members if they would extend the meeting beyond 3 hours duration as the Constitution required. Cllr Holmes proposed to extend the meeting, Cllr Bush seconded the proposal. Members agreed unanimously.

- (5) Reference: 13/00685/FULHH**  
**Applicant: Miss Chloe Dolby**  
**Location: The Wickets, 7 Granby Lane, Plungar**  
**Proposal: Two storey extension to an existing domestic dwelling to provide accommodation for a disabled person**

- (a) The Applications and Advice Manager stated that:

This application seeks planning for a 2 storey extension to provide accommodation for a disabled child and for the raising of the existing garage roof to accommodate a specially adapted car.

The application site lies within the village 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 large area for parking within the site. The proposed extension is large and would encroach into the designated Protected Open Area to the south east. However, it is not considered to be sufficiently detrimental to the intrinsic character of this area to warrant a refusal under Policy BE12. Having regard to the exceptional circumstances of the applicant and the need for the accommodation the proposal is considered acceptable and is recommended for approval with no further updates to the report.

(b) Roger Smith, on behalf of the Parish Council (PC), was invited to speak and stated that:

- The PC objected as the extension was proposed in the protected open area outwith of the village envelope and therefore contrary to national and local policies
- Although the extension is proposed for a disabled person, emotions needed to be taken out of the decision making process.

(c) Hannah Minton, agent to the applicant, was invited to speak and stated that:

- To clarify: the applicants rent the property but intend to buy it if planning permission is granted
- The architects are specialists in designing adaptations for disabled people
- Extensions of this type are difficult as they meet specific needs to enable an individual to reach some independence in the future
- The character of the host dwelling is carefully considered so as not to impose on the existing dwelling
- Efforts have been made to reduce the impact of the extension
- Also, parking arrangements are currently an issue therefore improvements have been proposed.

The Chair noted that most objections were to the 30 feet extension into the protected open area.

Ms Minton replied that efforts had been made to minimise the protrusion into the protected open area and mitigation measures of reducing the scale of the extension and landscaping had been made.

The Applications and Advice Manager clarified policy BE1 for Members and pointed out the section in the report regarding the size of the infringement.

Cllr Baguley, Ward Councillor for the area noted that the circumstances of the application were exceptional. She went on to acknowledge concerns had been

raised about the size of the extension and its location. She **proposed to approve the application** if a condition could be added stating that the extension was solely for the applicant.

The Applications and Advice Manager agreed that a condition could be added to that effect.

The Solicitor to the Council stated that while there may be enforcement issues surrounding such a condition, implementation of the application could be tied to the applicant to minimise possible issues.

Cllr Holmes **seconded the proposal to approve the application** agreeing with Cllr Baguley that the proposal would improve a child's life.

Members discussed the harm on the protected open area against the benefits for the disabled person and their family.

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

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

**The application site lies within the village 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 large area for parking within the site. The proposed extension is large and would encroach into the Protected Open Area, however, it is not considered to be sufficiently detrimental to the intrinsic character of this area to warrant a refusal. Having regard to the exceptional circumstances of the applicant and the need for the accommodation the proposal is considered acceptable**

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- (6)   **Reference:       13/00741/FUL**  
      **Applicant:       Professor Gary England**  
      **Location:       Hall Farm, Klondyke Lane, Thorpe Satchville, Melton**  
              **Mowbray LE14 2TB**  
      **Proposal:       Installation of 1090 Ground Mounted Photovoltaic Panels**

- (a)    The Head of Regulatory Services stated that:

Late objections and Parish Council (PC) response to report, in 3 general categories:

1 is concerned that the panels will be reflective and pose a danger to road users if



not screened. 3 m. screening is suggested.

4 objectors commenting that screening is necessary to obscure views from both local dwellings and people in the area using footpaths. Concern that the approach we have taken (condition 6) is too open ended and a more prescriptive approach is required, specifying exactly what type of screening is required and its timing in relation to the installation and lifetime of the panels, and ensure it is a viable approach in terms of land ownership etc. These points have also been made by the PC.

Objection that the installation will:

1. Compromise the view of Borough Hill from various points in the local landscape.
2. Is an inappropriate industrial addition to an essentially rural and non - industrial landscape.
3. Further concerns further concerns as to the “effective screening and appropriate land topography”.

Finally, request that a condition is applied preventing the use of the recently constructed access track in the light that it no longer has permission.

The Head of Regulatory Services commented on these representations as follows:

- The panels are non-reflective and do not face the road, there is a degree of separation and some barriers to view from vegetation and buildings.
- On the screening condition, our approach has been the conventional one, accepting that there may be more than one solution. We have similar concerns as the objectors and Parish, and it is open to the Committee to be more prescriptive as suggested. Any such condition would need to take account of land ownership and we understand the south boundary hedge is NOT in the ownership of the applicant so could not be left to grow: it would need fresh planting to complement it. In addition, there is a condition applied to the turbine that no hedges should be within 54m of the turbine, so we would need to be careful where we require hedges to go, if we were to follow this approach.
- The Committee is invited to consider these approaches but I suggest the starting point should be whether there is a need for screening at all, and if so at which locations.
- On the use of the track, a condition is neither necessary nor enforceable. There seems to be no benefit or safeguarding to be gained and it has been explained to me as ‘necessary to avoid condoning the use of a track that doesn’t have permission’. However, conditions need to be applied for planning purposes and I am not persuaded this is one. There is also the question of enforceability –the inability to enforce such a condition if it is only used for a couple of days to deliver the panels (action would take at least 28 days minimum).

(b) Natasha Ridewood, on behalf of the Parish Council (PC), was invited to speak and stated that:

- Welcomes Officer's report that visual impacts can be mitigated by screening
- Wishes to see a strengthening of the condition relating to the screening
- Must ensure that the PVs are not visible from the road
- Believe the screening should be maintained at 3m high

The Chair commented that in her experience PVs do not dazzle road users.

Ms Ridewood stated that she believed they could.

Cllr Simpson asked for details about where the screening should be placed in the opinion of the PC.

Ms Ridewood stated that the whole area should be screened.

Cllr Bush asked why the PVs would need 3m screening if they were not reflective.

Ms Ridewood replied that without screening the site would look industrial.

(c) Anna Freij, an objector, was invited to speak and stated that:

- The Officer's report recommends screening, without it the farm will look like an industrial site
- Screening needs to be effective; tall, all around the site, for the lifetime of the application and in ownership of the applicant so they can control them.

Cllr Moncrieff asked for information about the views to the site currently.

Ms Freij replied that the field was visible due to the lack of height of the current hedgerow.

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

- The proposal is small scale development; 6 rows in differing lengths
- It is expected to generate 250KW of power and is not a 'solar farm'
- There have been no statutory objectors and no objections for local people
- Although there have been concerns regarding landscaping it is believed that

the PVs will not be visible however there would be no objection to reasonable screening if this did not affect the functionality of the panels.

Cllr Simpson asked if 3m screening would be acceptable.

Mr Lee stated that a 3m screen on the south boundary of the site would be too close to the PVs and cause a shadow. Therefore that would not be acceptable.

Cllr Simpson asked if the panels' position might be moved to allow for the 3m screening without shadowing affecting them.

Mr Lee asked where the Cllr would suggest.

Cllr Simpson asked the agent to recommend a position so the 3m screening and the panels could be effective.

Mr Lee replied that a 2m hedge would be acceptable.

Cllr Simpson asked the Officer's to confirm the height of the PVs from ground level.

The Head of Regulatory Services confirmed that the PVs were 2.64m tall.

Mr Lee said he could not commit to screening that would affect the PVs' efficiency.

Cllr Simpson noted that the existing hedge is sparse in places.

Mr Lee stated that he had no issue with accepting appropriate screening.

Cllr Freer-Jones asked the agent to confirm if a 3m hedge would cast a 10m shadow.

Mr Lee replied that in his experience; depending upon the time of year a 10m shadow would be created with a 3m hedge.

Cllr Holmes noted that during the winter the output from PVs was lower anyway.

Mr Lee confirmed this was the case.

(e) Cllr Orson, speaking on behalf of concerned residents of Thorpe Satchville, was invited to speak and stated that:

- Notes that local residents are not against renewable energy production but are concerned about visual intrusion into the countryside
- They are seeking adequate screening especially to the south, west and east

- He suggested that double planting was necessary and the hedging needed to be 3m tall.

A Member asked if double planting to 3m on the applicants land would result in the hedging being too close to the turbine to comply with conditions on that application.

The Head of Regulatory Services confirmed that would be the case and explained the current position regarding the turbine and Judicial review, i.e. that its existing permission is soon to be quashed and there is no guarantee a new one will be forthcoming, nor whether any such permission will contain the same condition.

Cllr Simpson **proposed approval of the application** with amendments to the screening condition to include the height of the screening be 3m to the south and east of the site.

Cllr Wyatt **seconded the proposal to approve the application** with the amendment to the condition relating to screening.

Members discussed the position of the hedging in relation to the turbine, the height and double planting of the hedge. They discussed the reasons for the hedge height and the timescales for gaining a 3m screen.

The Head of Regulatory Services confirmed that the position of the hedge was pertinent to the applicant, as a condition on the approval of the application for the turbine required a separation distance, but that a solution was a decision for the applicant to take should this application be approved and the screening condition be as proposed.

A Member asked if it was possible to draft a condition then circulate it to local residents, and the PC before agreement. The Member proposing agreed to this approach.

The Head of Regulatory Services agreed this could be done.

On being put to the vote the application was approved unanimously subject to the condition regarding screening being approved as agreed.

**DETERMINATION: APPROVE, for the following reasons, subject to conditions as drafted in the report and a replacement condition no. 6 requiring 3m. high screening to the south and east boundaries of the site, the detailed wording of which was delegated to the Head of Regulatory Services following consultation with the Member proposing, the Parish Council and the objectors.**

**The application seeks approval for the erection of 1090 ground mounted solar**

photovoltaic panels arranged in six arrays to the South of Hall Farm. The development is considered to have no adverse impact upon the landscape of the area or the residential amenity of the dwellings in Thorpe Satchville village which are approximately 400m from the site. The development is not supported within the Melton Local Plan policy OS2, however it is considered to meet the wider objectives of the NPPF, and the guidance published within the 'Planning Practise Guidance for Renewable and Low Carbon Energy'. Following the approach set out in paragraph 215, it is considered that the latter outweighs OS2 due to its more recent date and the absence of policy addressing renewable energy in OS2.

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- (7) **Reference:** 13/00678/REM  
**Applicant:** Mr Ian Hardwick – Ian Hardwick Limited  
**Location:** Land adjacent 23 Middle Lane, Nether Broughton, LE14 3HD  
**Proposal:** Single storey dwelling and ancillary works.

(a) The Head of Regulatory Services stated that:

No late material to report. We consider the application has addressed the previous reasons for refusal and it will be noted that it has addressed previous concerns:

- Retain front wall
- Setback from street frontage
- Smaller building respecting the architecture of the adjoining house
- Careful window arrangements to prevent overlooking between houses.

(b) Cllr Orson, Ward Councillor for the area, was invited to speak and stated that:

- Much debate over years for development on this site
- Congratulated developer for rebuilding wall but would like to see the height increased to how it was previously
- Happier with proposed position of dwelling but would prefer it moved further back on site to reflect outline application previously.

(c) John Edmonds, Solicitor at Marrons on behalf of the applicant, was invited to speak and stated that:

- The applicant welcomed views expressed and has responded to issues
- The siting of the dwelling at 'outline' stage was only indicative and does not

have to be followed. It is believed moving the position of the proposed dwelling will not make a material difference to the effect of the dwelling on the character of the street scene

- Significant improvements have been made to earlier proposals; dwelling will sit comfortably on the site and the development will bring a vacant site back into use
- The height of the wall can be adjusted as requested
- The Officer's report is well balanced.

Cllr Holmes **proposed to approve the application** with a condition that the wall height is returned as requested.

Cllr Moncrieff **seconded the proposal to approve the application** stating the applicant had listened to objectors and produced an excellent proposal.

On being put to the vote the application was approved unanimously subject to a condition regarding the wall height as agreed.

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

**The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements. The house type proposed meets the requirements of the Borough's housing needs in providing modest three bedroom accommodation of which there is a shortfall in the area. The NPPF seeks to boost significantly housing growth in sustainable location of which Nether Broughton is considered as a sustainable village within the Local Development Framework.**

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- (8)    **Reference:        13/00739/COU**  
       **Applicant:        Ms R Kealy**  
       **Location:         Oakleigh, 5 Blacksmith End, Stathern LE14 4EZ**  
       **Proposal:         Change of use from a dwelling (C3) to a day nursery (D1).**

- (a)    The Head of Regulatory Services stated that:

2 late objections had been received repeating some of the concerns already

registered, i.e.:

- A detailed narrative about the existing nursery facilities in the Vale and the difficulties experienced in finding staff for them
- Cumulative impact of the development; traffic, noise, change of use is incompatible with existing land use and surrounding land use, cars may park along Blacksmiths End causing congestion, existing roads and parking will not cope with the development and will be overloaded thereby adversely affecting highway safety and inconvenience local residents and change of use from dwelling to a commercial enterprise will set a dangerous precedent for future change of use applications

These issues are all addressed in the report and bearing in mind the parking provision, levels of traffic flow etc. it is not considered that a refusal on highways grounds could not be sustained.

The availability of staff etc. is not planning consideration, but matters of commercial nature for proprietors to consider. If there is no ability to appoint staff and no demand, one assumes the development simply will not go ahead.

(b) Vikki Marriott, an objector, was invited to speak and stated that:

- Whilst viability is not a planning consideration it is worth noting that other nurseries in the Vale do not work to capacity and this proposal will have an impact on other businesses
- Most vehicle movements will be compressed into a small amount of time (1 hour) which will be a significant increase in traffic affecting parking and safety
- Only 17 car parking spaces, given that 14 members of staff there will not be enough space for turning or vehicle movement or parents dropping off children. Parking on the lane by parents will cause a negative impact for residents.

The Chair noted the highway concerns especially as parking is restricted and building is opposite a junction.

Cllr Baguley, a Ward Councillor for the area agreed adding that the road is narrow and pavements finish at application site increasing the danger for children and parents. She **proposed refusal of the application.**

Members discussed the parking arrangements, disagreeing upon the likelihood that parking will be insufficient due to some parents or employees not using their cars, especially if parking is restricted. Members discussed other sites that have been impacted by parking arrangements and also sites that have thrived even where

parking is restricted.

Cllr Holmes **seconded the proposal to refuse the application** stating that the extra vehicles will cause danger, adding that agricultural contractor traffic also use that road regularly.

The Chair suggested the County Highways department look at the application again in light of concerns raised.

The Head of Regulatory Services replied that this could be arranged however as no changes to neither the application nor the site have been suggested then the same outcome from the consultee would be expected.

Members agreed that nursery places need to be encouraged but continued to disagree on the movements of vehicles and parking facilities.

A vote was taken: 5 in favour of refusal and 5 against refusal. The Chair used her casting vote and refused the application.

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

**The proposed development would result in additional traffic flow and on street car parking in an area where the free flow of traffic is already impeded by on street car parking and pedestrian safety is compromised by the limited provision of pavements. Accordingly, the demand for additional traffic and car parking would result in an adverse effect on the safety of other road users and pedestrians.**

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Cllr Moncrieff suggested bringing the meeting to a close due to the length of the meeting.

The Chair noted that there were only 2 items remaining on the agenda and decided to continue the meeting.

**D54. ADDITIONAL REPORT**

13/00104 54 Main Street, Burrough on the Hill - Confirmation of TPO

The Head of Regulatory Services asked Members to consider the report previously circulated and drew attention to the Officer's conclusions.



Cllr Wyatt agreed with the Officer's report and **proposed to confirm the TPO** at 54 Main Street, Burrough on the Hill.

Cllr Illingworth **seconded the proposal to confirm the TPO.**

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

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

**In view of the advice given by the arboricultural advisor, regarding the trees' good health and both current and future amenity value to the Main Street and the Conservation Area within Burrough on the Hill, the fact that there was and has been no supporting evidence submitted with the TCA application (ie structural engineers report or tree survey) it is recommended that the Tree Preservation Order be confirmed.**

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D55. COMMITTEE UPDATE

Annual Monitoring Report (AMR) 2013

The Head of Regulatory Services asked Members to consider the report and appendices previously circulated he asked that the Members note these items.

**DETERMINATION: Note the content of the report and its appendices.**

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D56. URGENT BUSINESS

None.

The Chair wished the Committee a happy Christmas.

The meeting commenced at 6pm and closed at 10.14pm.