



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

30 January 2014

PRESENT:

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

As Substitute

Cllr B Rhodes for J Simpson

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

D61. APOLOGIES FOR ABSENCE

Cllr Simpson. Cllr Moncrieff is absent from the meeting.

D62. DECLARATIONS OF INTEREST

None

D63. MINUTES

Minutes of the meeting 19 December 2013

D53 SCHEDULE OF APPLICATIONS: Application 13/00741/FUL

The Chair noted that on page 131 there was an error in the stated reasons for approval and should have an amendment to include the additional condition

included at the meeting. The reason for approval should read:

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, subject to conditions mitigating the impacts, to have no unacceptable 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.

Subject to the changes noted above the Minutes of the Meeting held on 19 December 2013 were proposed by Cllr Wyatt and seconded by Cllr Holmes. The Committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

Approval of the Minutes of the Meeting held on 9 January 2014 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.

The Chair asked the Solicitor to the Council for clarification on advice given to Cllr Mark Barnes regarding speaking on his application.

The Solicitor to the Council confirmed that she had advised Cllr Barnes in the strongest possible terms not to participate in the meeting, quoting the Code of Conduct (2012) which states that Members leave the meeting while applications are debated which Councillors have a personal and/or pecuniary interest in.

Cllr Barnes left the meeting at 6.10pm

The Chair noted that extra speakers (objectors) had requested to be heard, resulting in the need to consider suspending standing orders. Cllr Holmes moved to suspend standing orders to allow them to speak for 3 minutes each. Cllr Bush seconded this proposal.

On being put to the vote, the motion to suspend standing orders was carried unanimously.

D64. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00540/FUL
Applicant: Mark Barnes
Location: Southfields, 10 Church Lane, Somerby, LE14 2PS
Proposal: Erection of a 35 metre to hub height (61 metre to blade tip) single wind turbine generator with associated transformer, foundations, crane hard standing and upgraded access tracks

- (a) The Planning Officer stated that:

Updates

Corrections of errors – reported on the bottom of page 22 it states ‘as a result 334 letters of representation and 228 pro forma letters from 308 household have been received’ ...it should read ‘as a result 334 letters of representation from 308 households and 228 pro forma letters..’

Reason 1 should read in the singular, i.e. in relation to ‘its’ height not ‘their’

The application has not been advertised in the local press and this has been questioned. It is advised that to avoid the scope for such a challenge that prior to determination a notice will need to be carried out.

Since publication of the report 4 more of the pro-forma letters and a further objection letter were received objecting to the noise information submitted and reliability of the photomontages.

It is consider that these matters have been addressed within the report (specifically on pages 4-6 Environment Health Officer comments on noise and pages 6-10 Conservation Officer comments on landscape and heritage)

An objection from the Rt Hon Alan Duncan MP has been received in which he states his objection to the proposal and points out the number of local residents’ opposition and also the strength of feeling against the turbine in the surrounding villages. (Letter read in full).

Background

The application seeks consent for a single 500 kw turbine with a hub height of 35 metres, tip height of 61 meters, on land associated with Southfields Farm.

The energy production would be transported to the National Grid with the farm holding receiving payment via the Feed-In Tariff. The money received will assist with the long term sustainability of the farm holding.

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

- The Impact upon the character of the High Leicestershire countryside
- The Impact upon the public bridle ways and footpaths
- Impact upon residential amenity, including Somerby equestrian centre
- Impact upon designated Heritage Assets; and
- Whether it is a form of sustainable development.

The proposal has been amended during the course of the proposal in an attempt to mitigate against objections raised during the consultation process. The MOD no longer objects to a turbine in this location at this reduced height and the Highways Authority are not objecting to the amended access arrangements. As reported on pages 19 &20.

As reported within pages 6-10 It is considered that a turbine located in this part of the High Leicestershire because of its strong characteristics of unspoilt rolling hills would introduce a dominant structure which due to its height, whilst reduced, could not be mitigated against.....causing harm to the historic land form.

There is an established public rights of way network within 120 metres of the turbine and its presence is considered to diminish the amenity of this facility to such a degree that it is considered to be harmful to the countryside designation which is not considered to be outweighed by the energy generation. Full assessment is contained within pages 6-10 and 17-19 of the report.

Many objections have been received from the Equestrian fraternity and owners and visitors of the two equestrian facilities. The objections relate to horses taking freight leading to safety concerns. There is also the added fear that members of the Riding for Disable Association who run classes from the Somerby riding school would be disadvantaged should a horse take freight being less likely to react than an abled bodied person.

Whilst the concerns are genuine, a refusal on this ground would need to be founded on evidence and none has been provided. Not all horses and riders would be affected by a turbine in the same way. The British Horse Society advises that a minimum separation distance of 200 metres should be provided

and the applicants have proposed an alternative 'permissive' route which complies within this guidance.

The turbine would sit between the village of Somerby and Owston, both conservation villages supporting many listed buildings. There are also Schedule Monuments within 3 kilometres. However it is considered that due to the separation distance and the topography that the harm, in the words of the NPPF would be 'less than substantial' and a refusal is not warranted on these grounds.

Matters relating to noise and residential amenity are addressed within the report on pages 4-6. The nearest residents are 670 metres away at the Somerby Equestrian centre. It has been demonstrated that the noise resulting from the turbine would not breach the accepted ETSU guidance out of the range at 570 metres and it is therefore considered that noise would not reduce the residential amenities to an unacceptable level.

The turbine whilst visible is not considered to be so oppressive that it would make the residence an unattractive place to live. This is assisted by the topography and the reduced height of the turbine.

Whilst the turbine would assist with the long term viability of the farm and go towards meeting national government energy targets the harms identified within the report are not considered to be outweighed by the benefits and the proposal is recommended to delegate to officer to refuse subject to a 21 day press notice and no issues arising which have not previously been considered.

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

- Encouraged by the findings of the officer's report
- The size of the turbine will impact on a wide area and dominate local houses
- The proposal will affect local residents including a child with autism
- The proposal will also impact listed buildings and tourism in the area
- Equestrian facilities will be impacted due to the proximity of the bridleway
- The blade sweep will be only 9m above the ground and the area of the sweep will be very large
- The strength of public feeling must be taken into account by Members.

The Chair asked whether there was medical evidence regarding the turbines impact on the autistic child.

Cllr Blakebrough replied that he had no medical evidence but had reported the concerns of the child's parent.

Cllr Botterill asked how tourism would be affected.

Cllr Blakebrough replied that the turbine would make the area less attractive and therefore the number of visitors would reduce, he went on to say that although this is not provable it is an assumption he makes.

Cllr Bush stated that he had sought information from the Autism Society but received nothing from them to confirm that turbines will have an impact upon people with autism. He went on to say that some aspects raised by the Councillor are speculative and difficult to use for determination purposes.

(c) Martin Reason, an objector, was invited to speak and stated that:

- He spoke as Chairman of STOP
- Majority of objectors live in the conservation villages that surround the proposed site
- The area is used extensively for enjoyment
- He has been overwhelmed by the volume, depth and description in vast number of objections
- STOPs objection showed in great detail all the adverse impacts from the proposal
- The main reasons are:
 - the harm to the landscape character especially the approaches to the local villages and conservation areas,
 - the scale of the turbine causing a detrimental impact on listed buildings particularly the church spires
 - the detrimental impact on local properties especially the Stimson property
 - the significant adverse impact on residential amenity
- The introduction of a turbine in this tranquil area is not encouraged by the NPPF
- The benefits are not outweighed by the negative impacts.

Cllr Botterill noted that the area is not designated as an 'area of outstanding beauty' and therefore could afford opportunities for development such as this according to national policy.

Mr Reason replied that he recognised the area was not designated but a report commissioned by STOP from an expert stated that the setting in one of the most

outstanding in area and is of local importance as the farming landscape has not changed much in 300 years. He went on to say that the NPPF also refers to protecting valued landscapes other than designated ones. He added that he has an autistic nephew who rides with him and that he would not allow him near things that may cause fright – such as a turbine.

(d) Tony Stimson, an objector, was invited to speak and stated that:

- The pressure on his business from the recession is nothing compared to the stress from this application
- 30% of his business will be toxic as cannot put individuals who may be sensitive near the turbines
- People ride at Somerby because they can go for miles largely off-road on bridleways
- If the application goes ahead it will have an impact on jobs but the turbine does not provide jobs
- Clients and staff use the local amenities so reduced numbers will impact the local economy
- Currently work with Brooksby Melton College's equine department but if business is affected this link is also affected
- The Stimson's home will become a horrible place
- He asked that Members do not jeopardise so much by approving the turbine.

Cllr Freer-Jones asked if the permissive bridleway proposed by the applicant will reduce the impact for horseriders.

Mr Stimson said it would not make a difference.

Cllr Cumbers noted that various outcomes had been predicted and asked if Mr Stimson had researched any other examples around the country.

Mr Stimson stated that public liability is the key to looking after his business.

Cllr Cumbers reiterated her question.

Mr Stimson stated that they had taken the decision that if the application goes ahead then some of their business will not continue due to the risks involved and therefore there will be a loss of jobs.

(e) Mr. Kim Kettle, a supporter, was invited to speak and stated that:

- He was speaking as Liaison Officer with Long Clawson Dairies
- He stated that the UK government and UK diary industry were doing their part

to reduce the industries carbon footprint and therefore various actions needed to meet the 40% reduction targeted

- He acknowledged that there was a lot of emotion surrounding the application but asked Members to consider the balance that farmers are expected to reduce the overall carbon footprint significantly.

(f) Mrs Barnes, wife of the applicant, was invited to speak representing him and stated that:

- She was speaking on behalf of her husband and reading his statement
- A lot of thought and concern went into the application to reduce the impact such as reducing the height and moving the position
- If the land had been designated then they would not have put the application forward but as it is not designated there were no reasons to justify refusal in planning terms
- The Leicestershire Round (path through the area) is 100 miles long and for the vast majority of its route the turbine will not be visible, therefore the application's impact is not significant
- Many footpaths are near to turbines and many people are not against them
- Agreement with the County Archaeology has been made to design a track which will reduce the impact on the ridge and furrow pasture
- It is everyone's responsibility, including the Parish Councils, to reduce CO² emissions: the turbine will produce enough energy for 300 homes which is 90% of Somerby Parish which is an important benefit
- In reply to comments that the turbine should only be of a size to produce energy that the farm can use: the farm produces more milk than can be consumed on the farm and rears more beef than can be eaten by the family – wind is a different resource to be 'farmed'
- The turbine affects 3 dwellings, one of which supports the application
- Money of a working turbine will add 2 thousand pounds per year to the parish funds which is more than is raised by the annual fete.
- A further value of the farm is the school visits it receives
- The business is a family run and traditional farm who: farm responsibly and in a sustainable way that suits the land
- The farm supports 3 generations of the family and 3 other people
- The farm produces milk for Long Clawson Stilton cheese
- The site is not designated and is in a sparsely populated area – the turbine will benefit more homes than it will affect.

Cllr Cumbers asked for information on the effect of turbines on animals.

Mrs Barnes replied that they had sought information from experienced consultants and found no issues for animals grazing below turbines.

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

- Stated he was speaking on behalf of members of Somerby Ward as their Ward Councillor was Cllr Barnes
- He congratulated the officer on their report stating it was balanced and informative
- He noted the large number of comments received regarding the application and quoted from a recent statement made by Ed Davey and from a letter received from Eric Pickles noting the impact of local opposition to turbines on determination of an application
- Objectors include: many residents and visitors to the area, every Parish Council, Harborough District Council and the Planning Officer who wrote the Committee report.

Cllr Cumbers asked how Cllr Orson knew that many visitors opposed the application and what percentage these were compared to local representations.

Cllr Orson replied that he had received a copy of all the representations made to the Council and the percentage of representations from visitors to the area was about 30%.

The Planning Officer replied:

- Regarding the archaeological reason for refusal (page 17 of the officer's report) an agreement had been made to alter the position of the track but no methodology to implement the agreement had been received resulting in insufficient information for determination
- Regarding residential amenity: the nearest dwelling is 670m from the site as outlined on page 5 of the report. The noise report submitted revealed that noise from the turbine would not be unacceptable at that distance.
- Regarding visual amenity: the siting of the proposal mitigated the visual intrusiveness and was felt not to adversely impact residences.

The Applications and Advice Manager clarified:

- Designated landscapes were discussed on page 9 of the officer's report and policies related to landscape were discussed on page 7
- Regarding tourism, jobs and the impact on the equestrian centre: decisions had to be made using substantiated evidence only and caution should be

applied to making assumptions

- The level of opposition had been pointed out by speakers but this cannot be relied upon exclusively as a means for reaching a determination
- Regarding the planning balance: page 46 of the officer's report considered the benefits and adverse impacts of the proposal. Members had to consider the tests applied by the NPPF to determine the application
- The financial incentives of a turbine were not a planning consideration.

Members debated the application and raised concerns about not having received information about the reduction of CO₂ emissions from the Liaison Officer prior to the meeting. They went on to discuss the reasons for refusal outlined in the officer's report including the impact on tourism and landscape.

The Planning Officer stated that the impact on tourism was due to the impact the turbine might have on the landscape and its recreational amenity value rather than a direct consequence of the turbine. She noted that landscape impact assessment is a subjective matter.

Cllr Rhodes stated that the officer's report was excellent and well balanced. He noted that the need for renewable energy had to be weighed against the potential harm to the landscape, and the amenity and wellbeing of people living locally. He **proposed to refuse the application.**

Cllr Illingworth **seconded the proposal to refuse the application.** Stating that local opinion may not be sufficient reason alone to refuse the application it cannot be ignored.

The Applications and Advice Manager clarified the figures of representations and confirmed that Councillors should not rely exclusively on local opinion to make a determination, citing the relevant legislation on this aspect.

The Chair asked if Cllr Illingworth agreed with the 3 reasons for refusal as set out in the officer's report.

Cllr Illingworth agreed.

Members discussed the difficulties in determining an application like this. A Member stated that many people seemed to assume that if they can see a turbine they or their amenity would be harmed by it. A Member stated that Birchwood School is sited close to a turbine in Melton and no issues had arisen with children attending it, he went on to say that his experience was that one got used to the visual aspects of the turbine quickly he added that the benefits of CO₂ emission reduction should be considered and the benefit to the farm business.

A Member asked for clarification regarding the proposed newspaper announcement.

The Applications and Advice Manager stated that a press notice had not been placed previously. It was suggested that one should be placed in order to prevent a opportunity to make a legal challenge based on an argument that no opportunity for representations had been provided to those people who had not already participated, who had not been aware of the application due to it not being advertised.

The Head of Regulatory Services reiterated the reasons for refusal as set out in the officer's report.

A vote was taken. 3 voted to refuse, 4 voted against refusal and 3 abstained.

Cllr Bush **proposed approval of the application** on the grounds that the turbine contributed to the sustainability of the farm business and would help to reduce the carbon footprint of the farm and to make a wider contribution to low carbon energy production. He added that he believed there would be limited impact on the environment in that particular site and that such impacts were outweighed by the benefits he believed the turbine would achieve..

Cllr Cumbers **seconded the proposal to approve the application** noting comments from the officer's report on page 9 and quoting that the NPPF required a balancing exercise between the harm and benefits of the proposal.. She went on to say that she considered there were insufficient significant and demonstrable impacts to outweigh the benefits of renewable energy production.

The Applications and Advice referred to previous examples for conditions for approval of a turbine and sought agreement from Cllrs Bush and Cumbers.

Cllr Cumbers asked that a s106 be agreed to set aside funds for the return of the site to its previous state at the end of the lifespan of the application. She went on to ask that the permissive bridleway suggested by the application should be in place before work started on the proposal.

The Applications and Advice Manager reiterated the conditions including those raised by Cllr Cumbers.

Cllrs Bush and Cumbers agreed.

The Chair asked Members to speak if they did not fully understand the conditions proposed.

A vote was taken. 4 voted to approve the application, 3 voted against approval and 3 abstained.

DETERMINATION: APPROVE, for the following reasons:

The turbine contributed to the sustainability of the farm business and would help to reduce the carbon footprint of the farm and to make a wider contribution to low carbon energy production. He added that he believed there would be limited impact on the environment in that particular site and that such impacts were outweighed by the benefits (above) he believed the turbine would achieve.

Subject to:

- (a) the publishing of an advertisement in the local press and the absence of it giving rise to issues not already considered by the Committee and;**
(b) the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. No development shall take place until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)

- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

4. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (3).
5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (3) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
6. Prior to development full details of the proposed layout, design and construction methodology for the installation of the track over the ridge and furrow land shall be submitted and approved by the local planning authority. The access road shall be constructed in accordance with the approved details.
7. The Applicant must notify the Local Planning Authority in consultation with the MOD of the date construction starts and ends, the maximum height of construction equipment; the latitude and longitude of the turbine.
8. By the end of 25 years from the first generation of electricity from the development to the grid all surface elements of the development shall have been removed from the site and the land reinstated in accordance with a scheme which shall be approved in writing by and submitted to the Planning Authority for approval not later than 12 months prior to the expiry of the said period of 25 years.
9. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise be agreed in writing by the Local Planning Authority.
10. No development shall commence until such time as a traffic management scheme has been submitted to and approved by the local planning authority in consultation with the Highways Authority giving details of traffic control methods to be used to ensure the safety of highway users during the construction phase. The approval scheme shall then be implemented at all times during the construction phase.
11. Any damage caused to the highway as a result of the construction traffic shall be permanently repaired in accordance with Highway Authority standards within one month of the damage occurring.
12. At the time of the installation of the mast at the highest practicable point it shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration.

13. Prior to the commencement of the development the developer will provide a report with a prediction of the anticipated levels of noise that will be experienced at the boundary of the nearest non-associated residential property. This report will include reference to aerodynamic noise, mechanical noise and any other noise characterised as amplitude modulation with reference to the tonality of the turbine noise based upon the 3 octave spectrum. The turbine will not be erected until such time that the report has been approved by the Local planning Authority
14. At wind speeds not exceeding 10 metres per second, as measured or calculated at a height of 10 metres above ground level the wind turbine noise level at the boundary of any residential dwelling shall not exceed:
 - during night hours (23:00-07:00), 43 dB LA90,10min, or the night hours LA90,10min background noise level plus 5 dB(A), whichever is the greater;
 - during quiet waking hours (18:00-23:00 every day, 13:00-18:00 on Saturday, 07:00-18:00 on Sunday), 35 dB LA90,10min or the quiet waking hours LA90,10min background noise level plus 5 dB(A), whichever is the greater; and,
 - at all times 45 dB, LA90,10 min or the (day/night as appropriate) hours LA90, 10min background noise level plus 5 dB(A), whichever is the higher in respect of any house where the occupier is a stakeholder in the development,

Providing that this condition shall only apply to dwellings lawfully existing at the date of this planning permission.

15. At the request of the Local Planning Authority the wind turbine, the wind turbine operator shall measure or calculate, at his own expense, the level of noise emissions from the wind turbine. The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment and Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97. The assessment approach shall be approved by the Local Planning Authority prior to undertaking the detailed assessment.
16. Should the wind turbine noise level specified in Condition 14 be exceeded, whether or not identified as a result of the procedure set out at condition 15 above, the wind turbine operator shall take immediate steps to ensure that noise emissions from the wind turbine are reduced to or below such levels or less, and obtain written confirmation of that reduction from the Planning Authority is satisfactory.

17. Prior to commencement of the development hereby approved a construction method statement shall be submitted and approved by the Local Planning Authority. The method statement should include details of the access track construction, which must be limited to the area and route shown on the submitted Access Improvement Plan, include details of how the working area of the access track will be kept to a minimum (a 5m working area alongside the track).

No construction machinery, equipment or construction spoil is to be deposited or disposed of anywhere in the area of the Local Wildlife Site.

18. Before development takes place the operation of each gate along bridleway D71A and D73 within 320m (approximately 4 x overall height) of the proposed turbine site is reviewed with the Highway Authority. Either adjustments made or new gates installed to ensure quick and easy access for horse riders. This is on the grounds of public safety.
19. Before development takes place, a permissive bridleway will be instated and clearly signed between bridleways D71A and D73. This should have a minimum width of 5m. This is on the grounds of public safety.

(2) Reference: 13/00683/FUL
Applicant: Mr M Chatterton
Location: Merrivale Farm, 18 Frog Lane, Plungar NG13 0JE
Proposal: Conversion of existing brick barns to form 5 dwellings

a) The Applications and Advice Manager stated that:

This application seeks planning permission for the conversion of redundant barns and stables into 5 dwellings. The site lies within the village envelope for Plungar.

There are no updates to report.

With regards to this application whilst the proposal falls within a designated village envelope the village itself is considered to be an unsustainable location. As the village of Plungar is considered unsuitable for further development due to the lack of facilities that the village has and therefore unsustainable, the proposal is considered to be contrary to the principles of the NPPF, where there is a presumption in favour of sustainable development.

The proposal seeks to provide three 2 bed dwellings and two 3 bed dwellings to lifetime homes where possible and is supported in terms of housing need. The buildings themselves are also considered to be a heritage asset. Whilst not listed nor within a conservation area the buildings are a fine group of farm outbuildings in a courtyard formation and have played an important role in village life and its social

history. Given the significance and quality of the buildings proposed to be converted it is considered that the proposal meets with the requirements of paragraph 140 of the NPPF which states that *“Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”* Therefore on balance it is considered that the retention of a heritage asset outweighs the unsustainable location of the buildings and as such is recommended for approval as set out in the report.

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

- The officer’s report was a fair appraisal of the application
- They had worked closely with officers during the planning process
- The proposal retains the barns and there were only a small amount of new buildings
- The smaller units proposed were in line with local needs
- The attractive barns would be maintained with the new use proposed.

Cllr Baguley, a Ward Councillor for the area, was invited to speak and stated that:

- The village needed smaller units and it was a nice development but she had concerns regarding the density of the dwellings and the resulting number of cars in the proposed courtyard.

Cllr Rhodes, a Ward Councillor for the area, was invited to speak and stated that:

- He was not so worried about the parking arrangements
- He believed it was a good proposal for the reuse of the existing buildings
- If the buildings were not used effectively they would deteriorate so conversion is preferable
- He **proposed approval of the application.**

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

Members agreed that the proposals were a good reuse of the traditional farm buildings and commented on possible future parking issues.

A vote was taken: 9 in favour of approval and 1 abstention

DETERMINATION: APPROVE, for the following reasons:

The site lies within the village envelope for Plungar and complies with policies

OS1, BE1 and H6 of the Melton Local Plan. Plungar however has been identified as an unsustainable location which would be contrary to the NPPF where there is a presumption in favour of sustainable development. However, given the significance and quality of the buildings proposed to be converted it is considered that the proposal meets with the requirements of paragraph 140 of the NPPF which states that “*Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*” It is also considered that the proposed dwellings will help to reduce the shortfall of smaller dwellings in the rural north of the Borough and are supported by housing policy. Therefore on balance it is considered that the retention of a heritage asset outweighs the unsustainable location of the buildings

Cllr Holmes left the meeting at 7.42 and returned at 7.45

- (3) Reference: 13/00859/FUL**
Applicant: Mr Michael Kennedy
Location: Land Surrounding Cemetery, Tofts Hill, Stathern
Proposal: Stable block and storage building.

a) The Planning Officer stated that:

The application seeks consent for the erection of stables and storage building on land accessed from tofts hill.

The application is to be considered by Committee due to the officer recommending a departure to the local plan policies C4 and C5. These policies seek to support stable development for personal use providing they are sited within a group of existing buildings to prevent a proliferation of stable development in the countryside.

The site sits to the southeast of the village envelope of Stathern in a parcel of land next to the cemetery. It is therefore considered to be open countryside.

The main issues relating to this proposal is whether it is an acceptable form of development in this countryside location. Access to the site will be via tofts hill and no objection has been received by the Highways Authority subject to a condition restricting to personal use as outline on page 3.

It is considered that given the topography, screening and design that the stables building would not have a detrimental impact upon the countryside designation and is therefore recommended for approval as outlined within the report.

Cllr Baguley, a Ward Councillor for the area, agreed with the officer's report and **proposed to approve the application.**

Cllr Rhodes, a Ward Councillor for the area, **seconded the proposal to approve the application.**

Members agreed that while the site lay outside of the village envelope the proposal sits well in the site and will not be intrusive.

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

DETERMINATION: APPROVE, for the following reasons:

The proposal is not considered to comply with policy C4 as the proposed buildings are not sited within an existing group of buildings. Therefore a judgement is required as to whether the building is acceptable in terms of their impact on the open countryside and whether this is sufficient to outweigh the development plan. It has been demonstrated that the site will have adequate access arrangements, is of appropriate design and will have no neighbour impact. It is not considered that this small scale development would have a detrimental impact upon the countryside as the topography and screening around the site, plus sympathetic materials and design ensure that the intrinsic character is not harmed. It is considered that due to the limited impact the proposal would have on the open countryside that the proposal complies with OS2 and the NPPF and therefore is sufficient to outweigh policies C4 and C5 of the development plan.

- (4) **Reference: 13/00828/VAC**
 Applicant: Sainsbury's Supermarket Limited
 Location: Land for Sainsburys, Nottingham Road, Melton Mowbray
 Proposal: Variation of Condition 35 relating to Planning Approval
 13/00054/VAC – hours of opening

a) The Applications and Advice Manager stated that:

This application seeks to vary a condition on the approval of Sainsbury's food store to allow extended opening hours for a maximum of 14 days a year, prior to Christmas and Easter. The restriction on opening hours for the rest of the year will remain in place.

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

a) Mr Astin, agent for the applicant, was invited to speak and stated that:

- He stated that Sainsburys had written to local residents to inform them of their plans and ask for feedback
- He pointed out that Sainsburys were asking for an extra 3 hours opening time daily for 7 days up to Christmas and 7 days up to Easter
- It is not expected to lead to an increase in traffic but should give extra time for customers and reduce congestion at peak times and lead to a more dispersed traffic pattern
- It is not intended to extend the opening hours of the supermarket throughout the year or apply to open the premises 24 hours a day.

Cllr Cumbers asked about the response to letters sent to local residents.

Mr Astin replied that no replies had come to Sainsburys but he was aware that the Council had received some comments including an objection.

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

- Residents have raised concerns over the lack of consultation
- Residents were disappointed that someone from Sainsbury's had not attended a 'RAGE' meeting about the proposal
- There is a strong belief that light pollution is not being managed and extending the opening hours will make this worse
- Concerns that this application will set a precedent and lead to further applications
- There are on-going highway issues which have not been resolved
- If approved conditions should be considered to restrict further applications, better consultation with local residents and lighting concerns be addressed.

The Chair stated she was concerned over the lighting issues raised.

The Applications and Advice Manager replied that the application only relates to the extension of the opening hours before the Members. She added that she is aware of an enforcement procedure concerning the lighting and these issues will be resolved using that process rather than at the current meeting, she went on to say that traffic issues should be raised to the enforcement team also. Regarding the conditions suggested by the Ward Councillor; the Local Planning Authority (LPA) cannot stop

future planning applications and therefore this cannot be conditioned, also consultation of residents by Sainsburys is outside of the LPA control.

Members voiced concerns over the lack of screening to the site to reduce the impact of light pollution and making alterations to previously approved hours of opening.

Cllr Rhodes noted that there had been only 2 representations received by the Council and one was not in relation to lighting; he felt that if it was a big issue then he would have expected more comments. He stated that he agreed with the agent and it was appropriate to extend the hours. He **proposed approval of the application.**

Cllr Illingworth agreed and noted that Members had to determine what was before them. He **seconded the proposal to approve the application** but asked that other issues be followed up by the appropriate people.

Members discussed the issues regarding light, highways and landscaping and the extension of the opening hours, voicing: wishes that the applicant would consider closely the issues raised and concerns that a planning process had been successfully followed previously for the existing opening hours.

The Applications and Advice Manager stated that she would ensure the issues raised would be attended to by the enforcement team and report back to Committee she went on to remind Members that these were a separate concern to the application before them.

A vote was taken: 5 in favour of approval and 5 against.

The Chair used her casting vote to approve the application.

Cllrs Cumbers, Botterill and Holmes wished for their votes against the application be recorded.

DETERMINATION: APPROVE, for the following reasons:

The variation would allow the store to open for three hours extra per day for less than 14 days of the year. Therefore, considering that the restriction to opening hours will remain on the store for the rest of the year (351 days) it is not considered that this will have an unacceptable detrimental impact on the amenities of the surrounding area.

Cllrs Rhodes, Wyatt and Bush declared an interest in the following item stating that they were Members of the PFA Committee and therefore could not take part in

debate concerning the use of the s106 funding. The Cllrs left the meeting at 8.08pm

D65. USE OF S106 FUNDING FOR THE PLAY CLOSE SKATE PARK RENEWAL PROJECT

The Head of Regulatory Services asked Members to consider the report previously circulated regard the funding.

Cllr Freer-Jones **proposed approval of the proposals in the report** as the scheme gave many benefits to local people.

Cllr Holmes agreed with Cllr Freer-Jones and **seconded the proposal to approve.**

The Chair noted that it was the Planning Committee who proposed the s106 funding was directed to the Skate Park rather than the Country park.

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

DETERMINATION: Agree the use of s.106 funding allocated through the s.106 agreement to contribute towards new equipment associated with the skate park, Play Close, Melton Mowbray.

Cllrs Rhodes, Wyatt and Bush returned to the meeting at 8.11pm

D66. DEVELOPMENT CONTROL PERFORMANCE – COMMITTEE UPDATE
REPORT OF APPLICATIONS AND ADVICE MANAGERS
DEVELOPMENT CONTROL PERFORMANCE 2013/14 (QUARTER 3)

The Applications and Advice Manager presented a report previously circulated to Members.

Members agreed that some aspects were disappointing but had to acknowledge the workload undertaken by the department and that peaks in workload had to be taken into account.

Members discussed concerns about wind turbine application determinations being revisited by Central Government but acknowledged that turbine application were increasingly a contentious issue and were viewed in a political light by Central Government. Members welcomed the determination of these applications as that would give greater guidance to them for future. They noted that national policy was

not clear on renewable energy production and that statements released by Government did not always clarify issues.

D67. URGENT BUSINESS

None.

The meeting commenced at 6.05 p.m. and closed at 8.22pm.