



MEETING OF THE
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

7 July 2011

PRESENT:

P.M. Chandler (Chair)
P. Baguley, G.E. Botterill, J. Douglas
M. Gordon, J. Wyatt, T. Moncrieff, J Illingworth
J. Simpson, P. Cumbers and J. Moulding.

Applications and Advice Manager (JW)
Planning Officer (DK)
Solicitor to the Council (VW), Planning Policy Officer (SM)
Administrative Assistant (JB)

D13. APOLOGIES FOR ABSENCE

None received.

D14. MINUTES

(a) D11 : SCHEDULE OF APPLICATIONS

Page 9, paragraph 4, Cllr Gordon suggested an amendment to now read "Cllr Gordon agreed that the application for commercial use was an appropriate use of land and proposed the deletion of condition 10." Also, correcting page 10, paragraph 1 and 4 to her from Cllr Simpsons. Cllr Moncrieff wished to amend page 10, paragraph 2 to "Cllr Moncrieff pointed out that during the site visit the Highways Officer stated that the current situation was perfectly acceptable with the hedge cut back. He was therefore happy to support the proposed amendment."

(b) subject to (a) above, approval of the Minutes of the Meeting held on 16 June was proposed by Cllr Moncrieff and seconded by Cllr Simpson. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

D15. DECLARATIONS OF INTEREST

None.

RESOLVED that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the reports.

D16. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00315/FUL**
Applicant: UK Power Reserve Limited
Location: Asfordby Business Park, St Bartholomew's Way, Melton Mowbray
Proposal: Electricity Generating Equipment 'Short-Term Operating Reserve'

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

This application seeks planning permission for a short term operating reserve (STOR) consisting of 20 diesel generators each with a transformer and ancillary buildings. The STOR is to support the National Power Grid by temporarily exporting electricity to the national grid. This site has been chosen for its location as there is an existing central network substation on the site.

There are no updates to report on the application.

The main issue relating to this application is the impact upon residential properties in terms of loss of residential amenities through noise and smells, the compatibility with the surrounding uses and any environmental impacts. The proposed generators will be used to support the national grid when there is a high demand in electricity, which the peaks are typically in the morning and afternoon, however, overnight use cannot be ruled out. The proposal is for a maximum of 300 hours per annum and the generators are not intended for continual use. A noise assessment has been submitted and Environment Health are satisfied that there will be no loss of residential amenity resulting from excessive noise. The site is currently brownfield and would be within an existing industrial area, it is considered that the site is an ideal location for this proposal.

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

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

- that their main concerns were regarding noise and pollution issues
- operating times were cause for concern
- the maintenance of the generators should be considered in order to reduce pollution

- the cumulative amount of noise arising from the proposed wind-farm and other industrial premises on site should be taken into account.

The Chair reminded the committee that the generators are a response to the need for electricity only during shortages.

(c) Stephanie Hammond was invited to speak on behalf of the applicant and stated that:

- the site was chosen due to its proximity to an appropriate sub station, electric network and because of it being a brownfield site
- the generators would support the national grid at peak times but would not operate when not needed.
- experience has shown that use at night is unusual
- local supplies to the business park can be met in emergencies
- noise impact assessments have shown that there will be no adverse impact
- air quality dispersion modules have shown that any pollutants are quickly dispersed
- the plant supports the governments renewable energy agenda

The Applications and Advice Manager replied that with regards to noise the report details that the worst case scenario levels still fall within acceptable levels. Also, there are restrictions placed on the use at night to mitigate noise nuisance. Air quality is addressed in the report and she noted that it is separately licensed and controlled by a different regulatory body.

Cllr Illingworth asked for clarification on how many generators would be used during peak times and the number of hours of use.

The Applications and Advice Manager confirmed that the generators would come on as necessary; that is, one or more depending on need, and not necessarily all at the same time. The hours of night operation are restricted by condition 3 detailed in the report.

A Member stated that he believed that the need for these generators will be limited at night.

Cllr Moncrieff requested that a condition be added regarding the decommissioning of the site and asked for guidance from the Applications and Advice Manager.

The Applications and Advice Manager said that a condition could be used to limit the use to 25 years before restoring the site and this would be acceptable to the applicant. A suitable condition will be prepared.

Cllr Moncrieff agreed to the extra condition and proposed to approve the application.

Cllr Wyatt seconded the proposal.

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

DETERMINATION : Permit for the following reason subject to the conditions as set out in the Committee report and an additional condition to limit the sites usage as follows;

4. 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.

Reasons: The proposal represents facilities to support the National Grid and is supported in Policy terms by saved policies of the Local Plan. It represents development with satisfactory access and parking and has no significant adverse impact upon the amenities of neighbouring properties or the character or appearance of the area.

(2) Reference: 11/00323/VAC
Applicant: Mr Mick Gadd - London Underground
Location: Old Dalby Test Track, Station Road, Old Dalby.
Proposal: Variation of Condition 1 relating to Planning Approval 08/00609/FUL which included the train movement times.

(a). The Applications and Advice Manager (JW) stated that:

This application seeks to vary the planning permission for the upgrade and electrification of a section of railway test track. The application is requesting an increase in the operating hours by 2 hours per day and the increase in the number of passes per hour. The test track is 21 km long and runs between the former Asfordby Mine and Edwalton in Nottinghamshire.

There is an error in the report in the first paragraph which should state 07:00 – 21:00. There are no updates to report on the application.

The main issues regarding this application is the impact on the residential amenities with regards to noise and disturbance and whether the proposed changes are acceptable when it was considered necessary to restrict them under the previous approval.

The proposal is to increase the operating hours and number of passes per hour to enable greater flexibility for the testing of underground trains. Planning permission already exists and this application only relates to the increase in passes and operating times. The main concern has been what impact the increase hours and passes would have to the residential amenities of nearby properties and a noise assessment was requested. The noise assessment submitted was from 2008 and the authority is not satisfied that they have sufficient information to assess the implications of the proposed increases. Environmental Health were not concerned with the number of passes but they do consider that the increase in hours is excessive and is likely to lead to disturbance to nearby houses. However, this cannot be fully understood until up to date information has been received. Members also need to consider that there has been no changes in circumstances since the original restrictions were put on in 2008.

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

(b) Cllr Orson was invited to speak on behalf of the Parish Council and stated that he agreed with the Officers recommendations.

Cllr Moncrieff agreed that there is an absence of supporting information and proposed to refuse the application.

Cllr Baguley seconded the proposal.

Cllr Cumbers stated that she felt that it was a pity that more information was not forthcoming.

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

DETERMINATION : Refuse for the following reason:

In the opinion of the Local Planning Authority insufficient information has been provided to satisfy the Local Planning Authority that the increase in the frequency of train movements can be achieved without undue detriment to the residential amenity of the occupants of properties within close proximity of the test track.

(3) Reference: 11/00385/FUL
Applicant: Mrs D Kingston-Brown
Location: Land adjacent 15 Back Street Saltby Melton
Mowbray
Proposal: New Dwelling

(a). The Planning Officer (DK) stated that:

This application seeks planning permission for the erection of a five bedroom 2 storey dwelling on land adjacent to no. 15 Back Lane, Saltby. The proposal is identical to that approved in 2007.

Since the publication of the report comments have been received from the Parish Council stating that they do not object to the proposal.

The applicants maintain that they have genuinely made an error assuming that by putting in the footings that they have kept the permission alive. However they failed to discharge the planning conditions prior to starting the work and the permission has now lapsed and they have no fall back position.

The Committee are invited to consider if the background to the events leading to this planning application amounts to exceptional circumstances sufficient to justify the granting of the permission contrary to prevailing policies.

The main issue with regards to this application which is identical to that approved in 2007 is that it:

No longer complies with policy due to being a large 5 bedroom dwelling. The housing needs for the Rural east has indentified smaller 2/3 bed dwellings as being required.

The village of Saltby has been categorised as an unsustainable village ranking as a category 3 village due to having limited public services.

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

(b) An objector, Mr Walters was invited to speak and stated that:

- that the scale of the development is intrusive being 2.5m higher than the neighbouring property
- a previous planning application of his was refused for being visually domiant
- the structure plan suggests restrictions on extending dwellings excessively and this proposal extends excessively to the rear
- the proposed balcony will create loss of privacy
- the proposed metal gates are out of keeping with the village

(c) The applicant, Mrs Diana Kingston Brown was invited to speak and stated that:

- she has held continuous planning permission on the site since 1973
- the builder has taken longer than expected to start on the site
- she believed that starting the excavations was not tantamount to development and therefore she was not in breach of planning conditions
- she felt that the proposal was in scale with its surroundings
- the garage is extending to the back not the dwelling and therefore it does not conflict with the structure plan
- the balcony will not oversee the neighbours garden as there is a 'huge' hedge between the dwellings
- the gates can be altered if necessary
- the site has been maintained and is not an eyesore

The Applications and Advice Manager (JW) replied to points raised. She pointed out that the structure plan is a guidance document only. The gates are described as 'wooden' on the application not metal and that a condition could be imposed if considered necessary. The scale of the dwelling is not the primary issue in considering the application but the changes to policy. The size of the building (5 bedrooms) is now not supported in current policy as it would not support identified housing need and the site is within a category 3 villages which is considered unsustainable. Finally, the works already done on site are classified as 'development' and are therefore unlawful as pre-commencement conditions had not been discharged: this means that the previous application is not extant and a new application was required, however this new application no longer considered to comply with policy.

Cllr Moncrieff and Cllr Botterill both sympathised with the applicant but felt that the current policy was clear.

Cllr Botterill proposed to refuse permission.

Cllr Illingworth said it was regretful that the applicant was unaware of her responsibilities and seconded the proposal.

A vote was taken: 7 in favour of refusal, 3 against, 1 abstention.

Cllrs Gordon, Simpson and Baguley asked for their votes against refusal be recorded as did Cllr Wyatt his abstention.

Motion to refuse was carried.

DETERMINATION : Refuse for the following reasons;

In the opinion of the local planning authority the proposed type of house does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural west of the Borough. Accordingly the proposal fails to contribute to a sustainable and balanced housing market and is therefore

considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large executive detached home proposed in this application cannot be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.

In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of dwelling on a site in an unsustainable location. The development would be sited within an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car. The proposal is therefore considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities) and Planning Policy Guidance 3 (Housing) and the Preferred Options of the Core Strategy.

D17. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 6.49 p.m.

Chairman