



MEETING OF THE
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

28 July 2011

PRESENT:

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

Head of Regulatory Services
Applications and Advice Manager (JW)
Solicitor to the Council (VW), Observer to Solicitor (Mark Lewis)
Planning Policy Officer (PG)
Administrative Assistant (JB)

D18. APOLOGIES FOR ABSENCE

Cllr J Illingworth

D19. MINUTES

Approval of the Minutes of the Meeting held on 7 July was proposed by Cllr Moncrieff and seconded by Cllr Botterill. The committee voted in agreement. It was unanimously agreed that the Chair signed them as a true record.

There were no matters arising from the minutes of 7 July 2011.

D20. DECLARATIONS OF INTEREST

10/00055/FUL Farm Buildings next to Baytree Farm, Stygate Lane, Pickwell.
Cllr Gordon stated a personal and prejudicial interest in the above application.

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.

D21. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00138/FUL**
Applicant: Mr Roger Hobill
**Location: Welby Grange, Welby Road, Melton Mowbray
LE14 3JL**
**Proposal: Installation of 2 medium scale 250KW wind
turbines, with a hub height of 39 metres and a
blade diameter of 30 metres**

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

This application seeks planning permission for the erection of two wind turbines and temporary access track. The turbines will form part of Welby Grange Farm and will be accessed from St Bartholomew's Way. The proposed turbines will be 54 metres in height with a proposed hub height of 39 metres and blade length of 13 metres.

There are no updates to report on the application.

The main issue with regards to this application is the impact upon the character of the countryside, impact upon heritage assets and impact upon residential amenities. The proposal is considered to be acceptable in principle as it is contributing to the wider aims of renewable energy. A judgement has been made that due to the location, siting and topography of the surrounding landscape that the proposal would not affect the character and appearance of the area to an extent that is regarded as unacceptable. The turbines will be visible, however, this on its own is not considered a reasonable ground for refusal and harm on the landscape needs to be demonstrated. An objection has been received from English Heritage on their impact on designated heritage assets, however, the turbines are consider sufficient distance from listed buildings so as not to have a negative impact. The benefits to be gained by the turbines are considered to outweigh the harm in this instance. The proposal is not considered to impact on the amenities of residential dwellings and there are adequate access arrangements.

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

(b) Mr Hobill, was invited to speak, but declined.

Cllr Moncrieff stated that this application was within his ward. He disagreed with the Parish Council on this matter and believed that the applicant had made every effort to minimise impact of the proposal. He proposed the application be approved.

Cllr Botterill seconded the proposal. He added that there is support for renewable energy production and believes that the wind turbines will not be obtrusive.

A Councillor stated that they believed proposals such as this allowed farms to be more self-sufficient and that this application is a positive step.

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

DETERMINATION : Approved subject to the conditions as set out in the report, for the following reasons:

The proposal is considered to be supported in terms of principle by national policy as contributing to the wider aims of encouraging renewable energy. 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 nor have a detrimental impact upon the setting of the nearby Listed Buildings. In terms of the landscape, guidance in PPS 22 puts the emphasis on protecting international and nationally designated sites such as SSSI"s and AONB"s. 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 and the landscape, although the landscape is unspoilt it is not one that attracts protection through its designation, in the manner explained in PPS22. Accordingly, the balance of these issues is considered to favour the installation. The proposal is not considered to impact on the amenities of residential dwellings and there are adequate access arrangements.

(2) Reference: 11/428/FUL
Applicant: Mr and Mrs D Entwistle
Location: Pinetree House 8 Sycamore Lane Wymondham
Proposal: Single storey side extension and car port
(resubmission of 11/00218/FUL)

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

This application seeks planning permission for a single storey side extension linking the host building with existing outbuildings which are to be converted into habitable use and the erection of a timber car port in the front garden. The site lies within the village envelope and conservation area for Wymondham. Members may recall that an application at this property was refused at Development Committee on the 5th May for a one and a half storey extension, link to outbuildings and car port. The previous application was refused as the proposal was considered to affect the visual outlook of the neighbouring property.

There are no updates to report on the application.

The main issue is considered to be whether the revised proposal has overcome the previous grounds for refusal and its impact on the neighbouring property, impact on the Conservation Area and compliance with Policy. The site is considered to be in

prominent location and has a designated POA to the frontage and a number of large mature trees which are subject to an area Tree Preservation Order. The proposed design of the extension is considered acceptable and reuses an existing barn in the conservation area securing its long term future. The proposal is considered to preserve the character of the Conservation Area. The carport is not considered to adversely impact on the POA and no trees are to be removed to facilitate the development. With regards to the impact on the neighbouring property, the extension has been reduced in width and height and there are no windows proposed in the end elevation.

It is considered that the proposal has been sufficiently reduced to overcome the previous ground for refusal and accordingly the proposal is recommended for approval as set out in the report.

(b) An objector, Mrs Exton was invited to speak and stated that:

- the revised plans did not resolve their previous objections
- the proposed extension is still too large and will block out light and affect their visual outlook
- the local plan states that this kind of proposal should be refused
- a Planning Officer visited their home to see the proposed site from within their dwelling but said that it would not effect the report given to the Committee.

(c) The applicant, Mr Entwistle was invited to speak and stated that:

- the whole plot is quite extensive and the proposal is only a small area of it
- the amendments to the previous application mitigate the previous concerns
- the revisions seek to minimise the impact on neighbouring properties
- the new proposal reduces the height and floor area, develops out-buildings which are currently unused, uses appropriate materials to match existing and improves the visual aspect of the existing dwelling
- it complies with the local plan policies and optimises the whole property.

The Chair asked for confirmation of the separation distance from the proposed extension to the neighbours.

The Applications and Advice Manager replied that the new proposal is 300mm further away from the boundary and the total distance between the properties is 9 metres.

Cllr Gordon questioned the visual impact of the proposal on the neighbouring property and believes that the proposed extension will be overbearing especially from the first floor.

The Applications and Advice Manager replied that the current boundary wall is the same height as the proposed eaves and that this would lessen the impact of the proposal.

A Councillor noted that the proposal has been reduced in size and massing and also moved further away from the boundary when compared to the previous application.

Cllr Botterill questioned a point raised by the applicant about the site visit of a Planning Officer.

The Applications and Advice Manager replied that the site visit had not changed the opinion of the Planning Officer and therefore the report had not been amended.

Cllr Baguley believed that the proposal would be overbearing on the neighbouring property as the proposed extension would remain readily visible above the boundary wall and proposed to refuse the application for the same reasons as previously.

Cllr Gordon seconded the proposal.

Cllrs Simpson and Wyatt agreed that the applicant had done much to try and mitigate the impact on the neighbouring property.

The Chair was concerned about the impact of the proposed car port on the Protected Open Space.

Head of Regulatory Services confirmed that the car port is proposed to be sited in a Protected Open Area and that that was an issue to be debated.

A Councillor stated that the car port was not objectionable visually and that it was suitable for this site.

Head of Regulatory Services reiterated the reasons for refusal on the previous application to clarify the motion..

A vote was taken: 6 in favour of refusal, 3 against, 1 abstention.

The motion to refuse was carried.

DETERMINATION : Refuse for the following reason:

In the opinion of the Local Planning Authority the proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no. 37 Sycamore Lane by virtue of introducing a feature closer to the boundary which would seriously overbear upon and reduce visual outlook from the sitting room window of this property. The proposal is therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development is not detrimental to the residential amenity of existing properties.

(3) Reference: 11/00353/COU
Applicant: Mr and Mrs Spencer
Location: Field No 8380 Hose Lane Long Clawson

Proposal: Change of use of field from agriculture to a pony paddock, stables, tack room and pole barn also new access of Hose Lane along with hardcore area for parking and turning area.

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

This application seeks planning permission for the change of use of an agricultural field into a pony paddock, stables, pole barn and new access, parking and turning area. The site is to be accessed from Hose Lane outside the designated village envelope for Long Clawson within the open countryside.

There were no updates to report on this application.

It is considered that the main issue with this application is its compliance with policy and the impact on the open countryside. With regards to the access the Highway Authority are satisfied as the proposal is considered to offer a highway gain as the existing access is considered to be substandard. There is no impact on any residential amenities and the design of the stables and barn is considered to be appropriate for their purpose and countryside location. Therefore the judgment comes down to one of policy and impact on the open countryside. Local Plan policy supports recreational development in the open countryside, however, Policy C4 and C5 only supports stables which are sited within an existing group of building which this proposal is not. However, PPS 7, which post dates Local Plan policy supports equestrian use which does not have an impact on the intrinsic character of the open countryside. When considering this proposal the siting of the buildings within the corner of the field adjacent to a boundary hedge and the design the buildings would have limited visual impact and therefore would not have an adverse impact on the open countryside. A judgment is therefore required as to whether the stables and barn are acceptable in terms of their impact on the open countryside and whether this, along with PPS7, is sufficient to outweigh the development plan.

In this instance Officers considered that the impact on the open countryside is limited and the guidance in PPS7 is sufficient to depart from the development plan and accordingly the proposal is recommended for approval.

Cllr Baguley stated that the proposal would have a negligible impact, the proposed use was in keeping with the surroundings and the proposed movement of the access would be an improvement to the site, she therefore proposed to approve the application.

Cllr Simpson seconded the proposal.

A Councillor believed that because the application had been done correctly that there would be an improved chance that the site would be developed properly.

The Applications and Advice Manager replied that the development would have to be built according to the plans approved or enforcement could be taken.

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

Motion to approve was carried.

DETERMINATION : Approve, subject to the conditions in the Committee report and for the following reasons:

It is considered that the design of the buildings along with a high level of screening ensures that any impact is reduced. The access to the site is considered to be acceptable and would not have a detrimental impact upon the highway subject to the development being purely for the purpose of personal use. The proposal is not considered to comply with Local Plan policy C4 as the proposed buildings are not sited within an existing group of buildings. However, PPS7 which post dates the development plan supports equine based activities in the open countryside providing the intrinsic character is not affected. A judgement is required as to whether the stables and barn are 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 siting, close to the access and boundary hedge, ensures 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 PPS7 and is sufficient to outweigh the Development Plan.

D22. OTHER MATTERS

Agenda Items 5.4, 5.5 and 5.6

Cllr Gordon left the room while this matter was debated.

Reference: 11/00055/FUL
Applicant: Melton Meat Limited
Location: Farm Buildings Next To Baytree Farm, Stygate Lane, Pickwell
Proposal: Conversion and extension of existing farm building to form Abattoir and associated facilities.

(a) Head of Regulatory Services stated that:

This application was first reported to Committee in September 2010 but following a legal challenge the decision made then was quashed and therefore we were required to reconsider the application. The nature of the

reconsideration was that it had to be a fully fresh decision and taken on the basis of factors as they exist now, rather than a review of whether we consider the September 2010 decision was correct.

(i) The reports provided detail the background and, in the main report, consider anything additional that has occurred since September 2010. There were no additional representations to report but since its publication an objector has contacted Members (twice) and has submitted 2 sets of further representations:

(ii) The first of these has been circulated to Members and the content is summarised as:

1. That Members need to reconsider all the issues thoroughly and that this is not a 'rubber stamping' exercise
2. Members may consider permission is needed as a replacement of a Town Centre site that will shortly be vacated by the applicant.
3. There has been no analysis of a range of alternative sites – Members cannot therefore be certain this one is the best location for the proposal
4. That the location will not assist in animal welfare as the applicant claims as animals will still be kept in pens. Information on this point is limited and the Committee is ill equipped to judge the claims.
5. Comparison of the new buildings with the existing is incorrect as they were built in breach of planning permissions in 1995.
6. There is no explanation of what an odour control scheme may comprise
7. Claims that abattoirs may be regarded as 'bad neighbours' are not explained or substantiated.
8. Protected species – case law has established that relying on conditions to address protected species is not a correct or legal approach.
9. Capacity – the assessment has been carried out on the basis of 2000 animals per week; the proposal could easily cope with 5000 and assessment should be based on this level.
10. The assertion that the location will reduce traffic movements in Melton is questioned. It is stated that town location would use the arterial roads into and out of the town.

(iii) The second representation was received on Tuesday and repeats some of the above matters but also addresses the Highways' position in some detail. It recalculates the traffic impact based on traffic associated with 5000 animals (rather than 2000 as previously undertaken by the Highway Authority (HA) and concludes that this would generate a substantial increase on Stygate Lane and using the A606 junction which is known to be inadequate. It states that 5000 is the correct analysis because, even if limited in terms of average movements to 2000, it could still fluctuate up to 5000 on any given week.

The representations made principally represent the objector's view of the issues which he is quite entitled to make.

- On the entire basis for the decision, we agree with the objector that it is contrary to the local plan because the extensions and alterations exceed, the allowances in the Local Plan – i.e “small scale” as required by OS2 and alterations that require “major reconstruction” as required by Policy C6. However this is itself a judgement based on the content of the plans. Because of this conclusion we also agreed with the objectors that it should be granted if – and only if –the Committee is satisfied that material considerations are present that it considers can justify it.
- With regard to the existing abattoir in Melton Mowbray, we regard this as a ‘red herring’ and the position of this site in tenancy terms etc are irrelevant to this application. This application needs to be considered on its own merits in the location it is proposed: the position of the Melton premises have no bearing.
- Alternative sites and need: we did not believe the comments received about alternative sites and need to be relevant. The application was not promoted as fulfilling some unsatisfied need or being the best site for something we have to accommodate and as such these factors do not come into play. Rather, it is presented to us on the basis that the site brought specific advantages that other sites could not emulate.
- On the new information on Highways issues, I discussed the matter with the HA and advise as follows:
 - The HA advise that the figure of 2000 seemed realistic based on past trends (never has a figure approaching 5000 been recorded)
 - If on occasion it reached this number, the additional vehicles (20 per day) would not cause significant problems on Stygate Lane, especially bearing in mind the significant improvements that the applicant would carry out, and presumably there will be counter balancing days when traffic is lower.
 - The HA agree that 4.5m visibility would be ideal but in view of traffic flows feel it cannot be insisted upon and 2.4m will be adequate.
 - Highways improvements comprising passing places and widening the junction with the A606 will assist avoiding issues from passing traffic on Stygate Lane. These will be large enough for larger vehicles to pass and will be within the public highway.

Finally, a brief comment on the reports presented . The intention was to update the Committee on the application and the issues it presents. The new report seeks to assess what may have changed since the decision last September.

The essence of the recommendation is that we have judged the application to be contrary to the local plan for the reasons stated earlier. However, we are persuaded that it would bring tangible benefits in terms of reducing transport movements to abattoir facilities elsewhere. Reducing transport movements is one of the main objectives of the entire planning system and it is for this reason – combined with the

limited impacts that the development would bring - that we consider this effect is sufficient to justify a departure from the Local Plan.

(b) Mrs Fynn was invited to speak as Chair of the Parish Council and stated that:

- the Parish Council had consulted widely and received a mixed response
- if approved the application should have specific conditions relating to: waste, smells and traffic. These conditions should specify monitoring and restrictions and should be enforceable
- a restriction to sheep and goats for slaughter would be preferred
- a maximum limit of 2000 animals a week to be slaughtered was sought.
- the design of the building should minimize the impact on the countryside.

(c) An objector, Mr P Brady, was invited to speak and stated that:

- he represented a number of local residents
- the application is contrary to local planning policy
- the abattoir is not required and will not lead to a reduction of vehicle movements for animals
- the town centre abattoir will close due to Councillors decisions and therefore Councillors will feel obliged to approve this application
- projected savings made by transporting animals to Pickwell instead of the town centre will be rendered useless due to the town centre abattoir closing
- the site is not unique and therefore other sites could be considered for the siting of an abattoir
- no alternative sites have been appraised so comparisons as to the appropriateness of the site cannot be made

(d) On behalf of the applicant, Mr S Stanion, was invited to speak and stated that:

- there is enough information available in the application for approval to be given
- the RSPCA and Highways have no objections to the siting and the scale of the proposal
- the proposal should be considered on its own merits and regardless of the future of the town centre abattoir
- previous concerns have been considered and mitigated.

(e) Cllr Barnes was invited to speak and stated that:

- he commended the report given by Mrs Fynn and supported the Parish Council on this matter

(f) Cllr Holmes withdrew her request to speak.

The Head of Regulatory Services replied:

- to the Parish Council; the conditions requested have largely been met in the draft Decision that has been prepared for the Committee
- to Mr Brady; the current application has to be considered on its own merits and the future of the town centre abattoirs is not relevant
- to Mr Stanion; there is agreement that the application has to be considered on its own merits

Cllr Moncrieff commented that there are two sides to the argument; the desirability of the promotion of business interests need to be balanced against the traffic issues.

Head of Regulatory Services noted that Highways statistics project no overall increase in traffic due to the proposal on Stygate Lane – additional traffic serving the proposed abattoir would be counter balanced by removing traffic from the site to abattoir facilities elsewhere.

Councillors agreed that the improvements to Stygate Lane and the junction with the A606 would be beneficial to the proposal but concerns remain regarding the speed of motorists on the A606 and the effect on traffic using the junction

A Councillor noted that the visual impact had been mitigated; however there is concern about an agricultural building becoming an industrial buildings and the precedent of changing uses from agricultural to industrial in the countryside.

Cllr Simpson stated that she would prefer to see improved signage for the junction on the A606. The Chairman reminded councillors that the junction of Stygate Lane and the A606 was on the county boundary with Rutland and their co-operation would be required to place any signage to the south of the junction

Cllr Botterill commended the Parish Council on their report. He believed the site is sufficiently removed from the village not to impact upon it, especially as traffic would not be moving through the village to the proposed site. He stated that the stock will be able to be kept in fields until their slaughter which will be beneficial to the animals welfare; in keeping with the applicants adherence to the Freedom Foods standards. He went on to say that the site was very suitable and had would be supervised by the 'meat hygiene services' and Severn Trent for breaches in licensing conditions. Cllr Botterill proposed to approve the application.

Cllr Baguley seconded the proposal.

Cllrs requested assurances regarding the projected traffic numbers.

The Head of Regulatory Services replied that statistics used by the Highways department have shown that there will be no overall increase in the movement of traffic on Stygate Lane as previously explained.

Cllr Simpson asked for confirmation that approval would mean using a greenfield site for industrial uses.

The Head of Regulatory Services directed the Councillors to the prepared document in Appendix A regarding the wording of the approval and advised that the

designation of the land would not change, but the development would represent an industrial use in an agricultural location.

A vote was taken: 5 in favour of approval and 4 against.

Cllrs Cumber and Simpson asked for their votes against approval to be recorded.

The motion to approve was carried.

DETERMINATION : Approve subject to the conditions stated in the report (Appendix A) and for the following reasons

The proposed abattoir will be located in the open countryside close to the A606. The proposal is considered to be contrary to the Development Plan due to its scale exceeding the exceptions permitted by Local Plan Policies OS2 and the extent of rebuilding and extension exceeding those specified in C6. Employment developments outside of the main settlements are generally considered unsustainable within the Development Plan and emerging policy in the LDF. However, it is considered that there are material considerations unique to this proposal that should be balanced against the policy position. The proposal would eliminate the need for the transportation of animals from the site (which is currently used as a 'holding pen' to abattoir facilities elsewhere, thus eliminating these vehicle movements, removing the abattoir's contribution to the congestion and assisting in improving animal welfare standards by reducing animal journeys. In addition site is considered to benefit from easy access links to the A606 and also its character is considered to make it less suitable for allocated industrial locations. Accordingly, the development would contribute towards the aim reducing vehicular journeys as set out in PPS1.

The visual impact is considered to be acceptable given the partial re-use of an existing building and the landscaping proposals and with conditions to control lighting and materials. As such, with appropriate controls (implemented through conditions), it would meet with the objectives of policies insofar as they relate to the protection of the countryside (including these aspects of Policies OS2 and C6). The Environment Agency and Severn Trent indicate that effluent can be accommodated, which can be similarly required by conditions. Conditions can also be applied to limit the capacity of the proposal and the nature of the operation (in terms of the species to be handled) to ensure it operates on the same basis as it has been submitted and assessed. With regard to safeguarding protected species there is no indication of their presence, but expert advisors have nevertheless recommended a condition to protect any encountered during the course of development. .

On balance, it is considered that whilst the proposals can be regarded as contrary to the development plan and emerging policy as set out above, its character is such that it not ideally suited to locations normally identified for industrial purposes and its location would bring benefits in terms of sustainability (through the reduction of vehicle movements and congestion) which accord with wider policy objectives. On balance it is considered that these considerations outweigh the provisions of the development plan and the proposal is accordingly recommended for approval.

Cllr Simpson suggested supplementary motion to approach Rutland CC to request an appropriate warning sign to be positioned on the A606.

Cllr Douglas seconded the motion.

A vote was taken: 8 in favour and 1 abstention. The motion to approach Rutland CC was carried.

Cllr Gordon re-entered the room.

Agenda Item 5.1

Q1 Performance Report, Development Control Performance 2011/12; Report of Applications and Advice Manager

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

Q1 performance is good with the majority of targets being met. Particularly our recent appeal record. There had been concern that performance might decrease due to recent staffing changes and restructure but this quarter shows an excellent set of results. Enforcement figures satisfactory and considering recent changes to working practice the department should be commended for their efforts slight concern was made that if workloads increase , it might be difficult to maintain this level of performance.

The Chairman stated that she had had concerns regarding the impact of the Council's restructuring on the performance of the department. She congratulated the department for their effort in maintaining standards during this time. The Councillors agreed with their Chair.

Agenda Items 5.2 and 5.3

Requirements for the validation of Planning Applications

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

Report be noted and approval given to adopt revised local requirements for validating planning applications.

Cllr Moncrieff proposed approval of the validation procedures.

Cllr Cumbers seconded the proposal.

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

D23. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7.55 p.m.

Chairman