



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

22 December 2011

PRESENT:

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

Head of Regulatory Services
Applications and Advice Manager (JW), Planning Officer (DK)
Solicitor to the Council (SK), Principal Planning Policy Officer (DP)
Administrative Assistant (JB)

D58. APOLOGIES FOR ABSENCE

Cllr P. Cumbers

D59. MINUTES

(a) D52. SCHEDULE OF APPLICATIONS

The Chair noted that on page 3 concerning 11/00730/FUL she said that any nuisance regarding fork lift trucks would be referred to the Environmental Health Department.

(b) subject to (a) above, approval of the Minutes of the meeting held on 1 December 2011 were agreed by the committee in a vote. The minutes were authorised to be signed by the Chairman.

There were no matters arising from the minutes of 1 December 2011.

D60. 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.

D61. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00693/FUL**
Applicant: Mr and Mrs Hewson
Location: Cross Roads Farm Scalford Road Eastwell
Proposal: Installation of 2 wind turbines with hub height of 15 metres

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

An application for two turbines has been submitted by owners of Cross ways Farm on the outskirts of Eastwell . The proposal will help the applicants reduce the farms carbon footprint and increase the farms sustainability.

The proposal comprises of 2 no. Evoco 10kW wind turbines of 15 m height to hub. The chosen model is slender in design, of dull grey colour having horizontal axis, with three bladed design. Each blade being 4.8 m long. The overall height will be of 19.8 m ground to tip.

To offer a comparison the turbines in operation at both secondary schools have a hub height of 18.3m with tip height of approx 25 metres. (Rated power of 11 kw)

The energy that could be produced from the proposal is expected to be between 30,000kWh and 34,000kWh of electricity per annum. This will be an equivalent of saving of over 30 tonnes of CO2 per annum for the farm and dwelling. The energy produced is expected to count towards 70% of the total energy consumption for the site.

Any surplus energy will be fed back to the National Grid and this is likely to occur over night when energy demand by the farm and dwelling will be at its least. PPS22 advises that no matter how small scale a renewable proposal may be it can still count towards the government's target to reduce energy consumption. The UK has agreed on a target of 20% energy consumption to come from renewable sources by 2020.

The main concerns raised by residents are in regards to noise, visual impact upon the character of the area and highway safety and all of these matters have been addressed within the committee report.

In regards to potential noise issues the Environment Health Officer has recommended that a condition be imposed to ensure that should a valid complaint be submitted that the applicant carries out the necessary assessments to ensure compliance with the details as submitted within the proposal.

The turbines will be visible within the landscape from several vantage points. However, this on its own is not considered a reasonable ground for refusal and it is the harm on the landscape that will need to be assessed. Guidance in PPS 22 (paras 9 – 15) clearly put the emphasis on protecting international and nationally

designated sites such as SSSI"s and AONB"s. There are no designated sites within the vicinity of the proposal.

The highways Authority have been consulted and raise no objections.

Since publication of the report no further letters have been received. Accordingly the application is recommended for approval in line with the recommendations contained within the committee report.

(b) Mr Ben Venus, the agent, was invited to speak and stated that:

- The officers report draws attention to the proposals compliance with PPS22
- The proposal will help meet the need for CO2 emission reductions
- The energy running costs of the farm could be reduced by 70%
- There is local support for reduction of CO2 emissions and benefits to the business
- There is an acknowledgement that the turbines will be visible but the impact should be limited.

(c) Mr Geoffrey Goodson, a supporter, was invited to speak and stated that:

- He lives about 300 yards from the site
- He has read the report and is in full support of renewable energy production on this site
- He does not believe there will be any adverse effect due to noise or view
- This is progress and should be allowed.

Cllr Botterill stated that he is supportive of the proposal and measures that reduce reliance on energy from overseas especially renewable energy. He proposed approval of the application.

Cllr Moncrieff seconded the proposal. He was happy to see the scheme will improve the sustainability of the farm shop and noted that the noise would be monitored should a nuisance occur.

Cllr Simpson asked if the acceptable noise levels agreed in the report would remain even if the government altered its advice on noise levels.

Applications and Advice Manager replied that the current figure of 43dB would remain valid for this site should it be approved.

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

DETERMINATION : approved in accordance with the recommendations in the Committee report, for the following reason:

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 on 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: 11/00763/FUL
Applicant: Mr Neil Tyers – Belvoir Developments
Location: Newfields, 23 Middle Lane, Nether Broughton, LE14 3HD
Proposal: Erection of two storey, 3 bedroom dwelling.

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

This application seeks planning permission for the erection of a three bedroom dwelling. The dwelling is located within the village envelope for Nether Broughton on former garden to No. 23 Middle Lane.

Since publication of the report additional comments have been received from the neighbouring property. They have sent in an independent surveyor report in relation to right of light and party wall agreement. Whilst the neighbour is not objecting to the principle of a dwelling being constructed on the site concerns have been raised in regards to the size and the closeness of the dwelling to their property and issues relating to future maintenance to their property. In response to this matters relating to maintenance are not planning considerations. Impact upon this property has been discussed on page 8 of the committee report. There are three small windows on the end gable to no. 1 King Street however these are secondary windows to the kitchen and bedroom with a small lead window serving the lounge. It has been concluded that the development will not have a detrimental impact upon the living conditions given that the windows on the ground floor serve a non habitable room (kitchen) and the other is a small secondary window to the lounge – due to be close to the adjoining boundary a 2 metre boundary fence could be erected which could also obstruct light to these windows. The first floor of the proposed dwelling has the roof sloping away from no. 1 King Street which increases the separation distance to the secondary bedroom windows at first floor. The relationship has been considered acceptable. The independent Surveyor has advised Mrs Valkhard of her Rights to

Light under the Rights of Lights Act 1959 and the Party Wall Act which would be civil matters falling outside of the scope of the planning system.

Our attention has been drawn to an email sent to all members of the committee from the applicants agent. In relation to this email the content of the report have been reported in the committee papers. However, for clarification in relation to the comments made regarding the pre-application discussions;

The initial pre-application discussion gave comments on the design but did refer to housing needs and size indicators, however, when this comment on housing size was queried a further response was sent advising that based on the outline permission (07/00263/OUT) housing needs would not be taken into account on a reserved matters application but it would still need to be of the size indicated at the outline approval. The outline permission was extended and a housing needs condition was added. The Officer did not refer to the later permission however it is considered that the agents/applicants would have been aware of this condition as the site was purchased with the current outline approval.

This application has been submitted as a full application and not as a 'reserved matters' to the approved outline consent. Therefore, the question of adhering to outline permissions is in any event academic and housing needs is a material consideration and in this case the proposal is not considered to meet the requirements of local need and cannot be supported by the Council.

The development is considered to be acceptable in relation to its impact on the character and appearance of the area, it is considered to comply with highway requirements and is not considered to impact on the adjoining properties. However, the proposal is for a large three bed property which is not considered to meet identified housing need and accordingly the proposal is recommended for refusal as set out in the report.

(b) Stuart Evans, an objector, was invited to speak and stated that:

- The developer has ignored the outline planning permission and submitted an much larger plan
- The development will impact on the neighbours, especially 1 King Street, which will suffer a loss of privacy and light
- Boundary treatment will be the main source of screening and not easy to police

(c) Neil Tyers, the applicant, was invited to speak and stated that:

- He lives in Long Clawson and has a development company that specialises in sympathetic good quality design
- The development has to be profitable and they should not be expected to run at a loss
- The design is appropriate for the type of village
- Pre-application advice was valuable, and support for the scheme was sought early. Design work was undertaken after working with the planning officer

- Redesigns have been undertaken as per requirement
 - He was surprised to find that he did not have the support of the Council
- (d) Councillor Dorn, was invited to speak on behalf of the Parish Council and stated that:
- He was pleased that the planning officer had recommended refusal as the housing needs report indicate that this size of property is not needed in Nether Broughton
 - The size and form of the development is unacceptable and should be included in the reason for refusal
 - He notes the planning history of the site, particularly the increase in size of this proposal which has caused much debate.
 - The loss of privacy for neighbours at 1 King Street is unacceptable
- (e) Cllr Orson, Ward Councillor, was invited to speak and stated that:
- He notes that the size and scale of any development is important on this site. Green space is much valued in rural areas.
 - This plan appears bigger than the initial plan that was refused back in 2007.
 - Notes that the gap between the neighbours and proposed buildings has been reduced
 - The impact of the building and the streetscene is a major issue.

The Applications and Advice Manager replied to Stuart Evans confirming the distances between the proposed development and the neighbours, locating this on the plans for the Members. In reply to Mr Tyers, viability was not a material consideration within this planning application. In reply to Cllr Dorn, size and scale was not part of the previous outline application and would have had to be part of any subsequent application.

The Chair noted that the applicant referred to the NNP regarding dwelling size guidance however the local housing needs survey is where the Members take advice from.

Principal Planning Policy Officer was asked for clarification on the local housing survey. He stated that most of the information was contained in the report before the Members but clarified that the report shows that the Melton Borough has an unbalanced market with a large number of big houses that are outside of the financial bracket for many people particularly in rural areas. The Council are trying to address this issue by encouraging smaller more affordable housing. Officers consider the size of the proposed dwelling to be larger than expected for a 3 bedroomed house.

Cllr Baguley liked the design but believes it will have an adverse impact on the area and proposed refusal of the application.

Cllr Botterill seconded the proposal to refuse, due to the poor access to the site and the proximity to the neighbour.

Cllr Simpson asked for clarification on the size of the dwelling.

The Applications and Advice Manager replied the application documents state 182 square metres.

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

DETERMINATION :

Refused, for the following reason:

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.

(3) Reference:	11/00807/FUL
Applicant:	Mr A Wiles
Location:	Brinvale Farm Buildings, Broughton Lane, Long Clawson
Proposal:	New agricultural building and extension of existing agricultural building to form shop and office.

(a) Head of Regulatory Services stated that:

Comments have been received from the applicant in response to those from the Parish Council and an objector, which are regarded by him as inaccurate and speculative:

1. The business uses 75% local produce with 25% imported, not 100% as stated. The commercial element is limited to processing, package and distribution.

Treating the proposal as commercial and applying solely commercial policies is selective

2. The proposal would represent 31% increase in the buildings on the site, not 100% as stated. The longer distance viewpoints cited offer views of the whole Vale landscape and in this the development would be a mere speck, like countless other farms and buildings. The character of the landscape would not be altered. It would be screened by the existing buildings and they would provide a backdrop from the north, being 2.5m higher.
3. Alternative sites are not a viable proposition as they would not achieve the same aim – avoiding transporting materials from remote storage locations with resultant traffic and cost implications.
4. Objectors have ignored the content of the application documents and made false claims about the business in terms of source materials, the absence of agriculture, assuming the yields of farm the for and the capacity of the business and dismissing the employment value of the business. In contrast the applicant has submitted detailed information, explaining that the business is thriving, expanding and providing increased employment – exactly the type of sustainable economic development that the Government is encouraging.
5. The development would remove 25 return journeys to Scalford each week. It attracts very few HGV's and these are unlikely to increase. The building has the same capacity as that at Scalford it would replace and imported products would still be on an 'as required' basis as they are now.
6. The applicants recognise the building would be visible from some shorter distance views to the west and would welcome conditions to introduce landscaping to soften this impact.

The Head of Regulatory Services commented that he did not consider the differences in assessment between applicant, objectors and Parish Council to be the heart of the issue. Unless regarded as small scale (which at 1800 sq.m.is not accepted) there is inevitably a breach of development plan policy. However, other considerations include the economic development interests and the balance referred to in the conclusion remains the key adjudication required by the Committee.

(b) James Wild, an objector, was invited to speak and stated that:

- He is a resident of Nether Broughton
- The development is contrary to planning policy and will have an adverse impact on the area
- The size of the development is too large
- This is not a minor incursion into the countryside and will have an impact on traffic in the area.

(c) Parish Cllr Schmidt, was invited to speak and stated that:

- He supports the recommendation to refuse the application
- The development will be intrusive on the countryside
- Highways do not want to see rise in development but do not have the statistics to refuse the application
- The design and access statement states that the storage facility at Scalford will be kept on rather than closed therefore there will be an overall increase in traffic and capacity
- The development is massive and seems to be out of scale to the size of the existing business
- Sufficient information has been submitted to show that there will be an increase in traffic
- Views of the countryside will be impacted when green space consultations encourage protection of views.

(d) Cllr Orson, Ward Councillor, was invited to speak and stated that:

- The site has grown substantially since the first approval
- Highways issues have been raised especially as the increase in use will impact the road for use of the village
- He supports officers recommendation for refusal.

Head of Regulatory Services replied that although the calculations are complicated by the presence of movements to and from Scalford, it can be seen that there is potential for an increase in traffic, however this is based on speculation and cannot be proven therefore it cannot be seen as a reason for refusal. The green space consultation document referred to by Cllr Schmidt is only in the consultation phase and therefore does not carry weight at this stage.

Cllr Baguley stated that the site is adjacent to her Ward and agrees that this will not be a small development in the countryside. The combination of the existing and proposed buildings will result in a large industrial site. She proposed refusal of the application on the grounds of it being harmful to the appearance and character of the area.

Cllr Chandler seconded the motion to refuse noting that Highways have raised issues that will be worsened by the development .

Cllr Wyatt believed it would be possible to control the increase in vehicle movements through a condition and moved to permit the application, subject to conditions limiting the use and scope of the application to that set out in the application documents.

Cllr Botterill seconded the motion to permit the application due to the new storage facility supporting local employment and aiming to reduce journeys by tractor to Scalford from the farm.

Some Members agreed that the new facility should reduce vehicular movements and support local employment.

Members agreed that a form of screening would help mitigate the visual impact of the site.

A vote was taken to refuse the application:
3 in favour of refusal and 7 against.

A vote was taken on the amendment with an additional condition to screen the site :
7 voted in favour and 3 against. Councillors Baguley and Chandler asked for their votes against the amendment to be recorded.

Cllr Wyatt left the meeting due to illness.

DETERMINATION : Permission was granted subject to conditions as listed below and for the following reason:

The proposal lies within the open countryside, set back from the highway and would complement the existing production facility and associated storage. The proposal is significant in scale and as such is considered to exceed the provisions of Development Plan policy which limit such proposals to 'small scale' and subject to them being acceptable in landscape, traffic, visual and residential amenity terms.

It is considered that departing from these policies is justified by virtue of the economic development benefits of the development which are considered to outweigh the limited harm that would arise and as such accords with guidance contained within PPS4 Planning For Sustainable Economic Development.

Conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The storage building hereby approved shall not be constructed until a landscaping scheme has been submitted to and approved by the Local Planning Authority to soften its appearance in the landscape. The scheme shall include the provision of bunding and tree planting on the bund. The approved landscaping scheme shall be implemented in the first planting season following the construction of the storage building.
3. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

4. The use of the storage building hereby approved shall be limited to the storage of materials used in connection with the production of bird food in the adjacent buildings, and for no other purpose, including any other forms of storage that fall within the definition of Class B8 of the Town and Country Planning (Use classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
5. No external storage of goods or produce shall take place at the premises
6. No deliveries of goods by HGV shall be accepted , nor produce despatched by HGV, outside the hours of 7am to 6pm Monday to Friday and 7am - 12 am Saturdays (and none on Sundays).
7. The use of the retail facility hereby approved shall be limited to the bird food produced at the premises and ancillary goods only. The ancillary goods shall occupy no more than 20% of the retail activity carried out from the facility.
8. The retail use shall be limited to the floorspace annotated as 'shop' on the plan hereby approved 'shop and office extension - proposed floor plan' ref. 131/005.

D62. COMMITTEE UPDATE

11/00338/OUT The Old Clay Pit, Grantham Rd, Bottesford

(a) Head of Regulatory Services stated that: Comments had been received from an original objector on the design assessment presented:

- Urban design advise is misplaced as this is a village location
- Density is an appropriate measure and the site is clearly more dense than its surroundings, including walkers Close and castle Close
- Describing density in terms of the build form, rather than numbers, is misrepresentative.
- There is no comment re. roof heights (above the top of the lamp posts) of the dwellings which clearly do not respect the surrounding rural area. This is specified in the application documents as up to 8.5m and the ground may have to be increased by a metre.

The Chair was happy to support a recommendation to withdraw reason 3 for the refusal.

Cllr Baguley agreed that the item regarding design should be removed and moved the motion.

Cllr Moncrieff seconded the motion.

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

D63. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.00 p.m. closed at 7.25 p.m.

Chairman