



MEETING OF THE
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

16 August 2012

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill
P. Cumbers J. Douglas, S. Dungworth, M. Gordon
E. Holmes, T. Moncrieff, J Simpson

Head of Regulatory Services, Planning Officers (DK and SL)
Solicitor to the Council (VW), Administrative Assistant (JB)

D27. APOLOGIES FOR ABSENCE

Cllr Freer-Jones

The Chair welcomed Cllr Moncrieff back to the Development Committee.

D28. MINUTES:

The draft minutes from the meeting held on the 2nd August were discussed and altered accordingly. It was proposed that these would be reviewed in the forth-coming committee meeting after the Members corrections.

There were no matters arising from the minutes of 2nd August 2012.

D29. DECLARATIONS OF INTEREST

None. Cllrs Chandler, Holmes and Moncrieff who, as members of the Community and Social Affairs committee, stated that they took no part in discussions or decisions regarding development resulting in the applications 12/000105/OUT and 12/00450/OUT.

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.

D30. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 12/00460/FUL
Applicant: Professor G England
Location: Hall Farm, Klondyke Lane, Thorpe Satchville, Melton Mowbray
Proposal: Erection of temporary Endurance E3120 wind turbine, with a maximum height of 46.1m and access track and cable trench.
- (2) **Reference:** 12/00454/FUL
Applicant: Mrs H Tolton
Location: Park Farm, Klondyke Road, Thorpe Satchville
Proposal: Erection of single wind turbine with 50m hub height, temporary track and sub station
Field No. 0726

(a) The Head of Regulatory Services stated that:

Firstly: the Committee to consider if they wish to proceed in light of the requests we have had to defer.

Secondly: to consider if we proceed in view of the quantity and nature of late submissions; the time and detail required would be lengthy.

Then, if the Committee is happy to proceed, address the applications in the normal way including hearing the speakers etc.

Firstly; the Committee to consider if they wish to proceed in light of the requests we have had to defer.

We have received several requests to defer both applications and understand Members have all been similarly approached. The basis of this request is that the notifications carried out were inadequate in quantity, were positioned in inaccessible locations and have left insufficient time to consider the application and formulate comments.

In order to assist the Committee to consider this request we offer the following facts:

- Legislation requires that site notices are required where those affected by a development extent beyond the immediate adjoining neighbours. It states that they should be positioned "on or near the site" and accessible without having to access the site itself. It also advocates contacting parish councils to notify a wider audience. These procedures are reflected in this Committee's adopted procedures that have been consistently applied since adoption in 2006.
- These applications were notified by site notices on 10th and 12th July respectively and to 2 Parish Councils at a similar time.
- Thus, 5 weeks has elapsed to allow representation

- We have received 53 for application 12/00454 and 51 for 12/00460 letters of objection and 10 & 8 in support respectively, including detailed letters from solicitors, a critique of the ecological work carried out and a landscape impact analysis.

Deferring any application is not risk free and in considering these requests we would ask the Committee to bear in mind the following:

- (i) That this would open the opportunity for a 'non determination' appeal (expiry date of applications is at the end of August)
- (ii) Precedent of departing from legal and local procedures to meet with requests
- (iii) Delay and expense – does the Committee wish to simply allow more time, or does it wish to instruct us to take additional consultation measures. If so, what should they be?
- (iv) Challenge – departing from procedures could attract a challenge from applicants

Doubts it can be presented to the next committee on 6th Sept.

Cllr Baguley stated that there should not be a deferral in response to the public request as normal procedures of publicity and timescales had been adhered to by the Council. She **proposed not to defer the applications for this reason.**

Cllr Cumbers agreed with Cllr Baguley and **seconded her proposal not to defer the applications** in response to public request as proper procedures had been followed.

A vote was taken to not defer the applications; solely due to the request from the public because of the lack of time for representations: 6 for, 2 against and 2 abstentions.

RESOLVED: not to defer the application in order to allow additional time for representations to be submitted.

Secondly: to consider if we proceed in view of the quantity and nature of late submissions.

Since writing the report we have received the following. Members will need to be confident they can adequately understand these contributions in order to allow them to be taken into account:

- 4 + 3 additional objections respectively
- A letter concerned about Committee invitations
- A statement from the MP
- A detailed solicitors letter addressing several aspects of the application
- A critique of the ecological assessments
- A visual impact assessment
- A cumulative noise assessment

- Additional information from the applicant on wildlife and ecology
- A further rebuttal by solicitors on behalf of 'thorpesaysno'

This amounts to over 40 pages – much quite detailed in nature - and it is estimated it will require 40 minutes to convey.

Members considered that additional time was required to reach an informed decision on both applications.

Cllr Holmes proposed to defer the application due to the amount of information received since the officers' reports were distributed.

Cllr Gordon seconded the proposal to defer for this reason.

The Head of Regulatory Services pointed out that there were many representations pertaining to both applications; he noted that there were also many different aspects raised regarding the individual applications.

Members asked if the applicant would be able to appeal for non-determination if the applications were further delayed.

The Chair confirmed this was the case even if the next available date was agreed. She went on to say that the Members would have to consider the applications regardless of appeals made by the applicants and a decision would have to be reached at some point.

Members asked if there could be a meeting held to avoid the opportunity for an appeal by the applicants.

Members agreed that it was necessary and fairer to allow extra time for all parties submitted reports to be fully considered by the Committee.

A vote was taken to defer both applications solely because of the lack of time for Members to properly address the recent reports and representations: 9 in favour, 1 abstention.

RESOLVED: the Committee agreed to defer consideration of the applications to allow the recently submitted information to be adequately considered.

Officers and Members agreed that the next prospective date available for the applications to be heard was the 13th September 2012. The Chair asked that this be confirmed at the earliest possible opportunity.

(3) Reference: 12/105/OUT

Applicant: Melton Borough Council

Location: Garages, Tudor Hill, Melton Mowbray

Proposal: Outline application for three houses

(a) The Head of Regulatory Services stated that:

No updates to provide. However, to point out that as an outline application, if there is a specific measure the Committee considers necessary (e.g. defining the access, the scale etc.) conditions should be applied now in a prescriptive manner rather than at reserved matters stage.

(b) Harry Rai, on behalf of the applicant, was invited to speak and stated that:

- This application regenerates a disused garage site and would be an improvement to the area
- The outline application for 3 houses meets local need and Council policy.

The Chair spoke on behalf of Cllr Freer-Jones, who was unable to attend the meeting, stating that she as a Ward Councillor for the area did not support the application for two main reasons. The first being the roads in the vicinity are already under pressure from volume of traffic and this application would add extra traffic to what is already a dangerous stretch of road. The second; that there are already considerable numbers of houses in the area that are meeting local need.

Members debated the issues raised by Cllr Freer-Jones agreeing that the roads were busy and possibly hazardous in the area.

Cllr Dungworth suggested that a path be placed along the access road to enable safe movement of pedestrians.

Cllr Baguley **proposed to permit the application** with a condition requiring the addition of a footpath along the access, as it would be an improvement on the current use.

Cllr Simpson **seconded the proposal to permit** agreeing that a path would be beneficial. She asked if measures to reduce vehicle speed on the access road could be considered.

Members discussed traffic calming measures but agreed that the access road does not pose a speed threat whereas speed bumps could cause a noise nuisance for the neighbouring dwellings.

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

DETERMINATION: PERMIT, for the following reasons and subject to an additional condition:

REASONS:

The proposed development relates to residential development on a site which lies within the town envelope of Melton Mowbray. Policies OS1 and BE1 allow for such development subject to criteria including the design and appearance being in keeping with the locality, adequate access and parking being provided and no adverse impact on the amenities of neighbouring properties. The proposal is

considered to comply with the objectives of these planning policies. The proposal is therefore considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

Condition:

Details of the access submitted under condition no.2 above shall include a pavement linking the site to the pavement Tudor Hill.

- (4) Reference: 12/00418/FUL**
Applicant: Mr Bill Wright
Location: Glebe Farm Main Street Saxelby LE14 3PQ
Proposal: Proposed erection of 5 barns for the storage of grain and 1 barn for the installation of a grain dryer

(a) The Head of Regulatory Services stated that:

2 additional representations of supports on the grounds of:

- There will be additional traffic but as long as it does not enter the village will be acceptable
- Farm has been transformed by the applicant, hard enough for farmers to make a living in the current market.

5 additional letters of objection on similar grounds as report but noting:

- Inaccurate information given concerning use of the farm previously i.e. previously had been used as a dairy farm but latterly very low key livery use
- Scale and impact of buildings on a high site causes concerns
- Increased light pollution
- Neither traffic routes acceptable, both quiet single carriageways well used by cyclists and horse riders
- Route is part of National Cycling Route 48
- Surface water still an issue.

Key issues are considered to be the scale of the building and the traffic flow (type and number). Officers are satisfied that because the farm accesses the bypass directly the traffic will not be a nuisance in nearby settlements. In terms of the location, it is intrinsically unsustainable and unlikely that any other form of industry would be supported here.

However, the use relates in part directly to the surrounding land and, as detailed in the report, there is a net benefit to transportation arising from the location. These factors, together with the positive approach to economic development presented by the NPPF lead us to the conclusion that permission should be granted.

(b) Mr Marsh, an objector, was invited to speak and stated that:

- The site had been a traditional dairy farm but had only been used in a minor capacity for years

- The proposed development is massive and will be prominent at this location
- Ground works have already begun
- Security lighting will pollute the area
- The routes to the site are on narrow and well used roads, a nearby riding school would be affected
- The quoted number of vehicle movements is misleading in the application documents and will cause danger and disruption
- The large commercial use is out of keeping in this setting.

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

- He already runs a busy farm business which attracts no complaints from neighbours
- The landlord of his existing premises is concluding the lease forcing the business to move
- Glebe Farm is a good site, away from the village and therefore less disruptive
- The storage facilities will house grain, hay and machinery; all of which need large buildings
- The site was used intensively before and this application will not see an increase in vehicle movements compared to when it was a dairy farm
- The grain dryers are quiet machines and will not cause a noise nuisance.

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

- The PC undertook a site visit, listened to neighbours and the applicants
- The parish is rural and farming is common practise
- The PC broadly support this application
- Some concerns have been raised locally which the PC wish to draw attention to:
 - The business must not become a commercial site
 - Passing places for vehicles should be provided
 - Grain dryers must not cause noise nuisance
 - Risk of flooding increases due to increase in hardstanding and therefore soak-aways are requested to mitigate impact on local area.

The Head of Regulatory Services replied that the conditions in the officer's report reflect concerns raised.

Cllr Botterill thanked Ms Smith for her succinct report. He agreed with the points raised by the PC. **He proposed to approve the application.** He went on to say that he felt the application was well thought through and would provide modern facilities to meet modern farming standards. He agreed with concerns raised regarding flooding and passing places.

The Head of Regulatory Services replied that details submitted concerning flood risk

will be scrutinised by appropriate experts.

Cllr Simpson **seconded the proposal to permit the application**. She stated that noise from reversing vehicles may affect neighbours and questioned if delivery times should be restricted to minimise adverse impact. She also stated that light pollution should be minimised.

The Chair replied that deliveries to farms can often be in the early morning and this is a common feature on many farms.

The Head of Regulatory Services suggested that light pollution could be minimised by the use of considerate lighting.

Cllr Holmes raised concerns regarding farm traffic travelling through nearby villages and suggested a Section 106 agreement be drawn up to restrict this happening. She also noted that water runoff from hardstanding areas could cause local flooding.

The Head of Regulatory Services confirmed the conditions as stated in the report and further agreements as Cllr Holmes proposed.

A Member stated that she was unhappy about the size of the development in such a prominent location.

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

DETERMINATION: PERMIT, for the following reasons, additional condition and subject to the completion of a s106 Agreement governing the routing of delivery vehicles:

Reason:

The application seeks to build upon the use of the farm as part of a relocation from Rothley. This will be a more central location for the applicant's activities and that there will be a significant reduction in road mileage throughout the neighbouring Districts as he will continue to serve Colston Bassett, Seagrave, Asfordby / Kirby Bellars and the Charnwood area. The impact of the traffic will be restricted mainly to the harvest time when such activities would be anticipated in the countryside and the Highways Authority have no objections. The NPPF post-dates the Development Plan and supports rural economic growth. Accordingly the application presents the need to balance economic growth considerations with those of sustainable development. On balance it is considered that this location has a specific advantage and will decrease traffic in a wider area and is acceptable

Condition:

The use shall not commence until passing places have been constructed in accordance with details which shall have first been submitted to and approved by the Local planning Authority

S106: requiring the adherence of HGV traffic delivering to and distributing from the premises to use the route directly to the A6006 as specified in the application

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- (5) **Reference:** 12/00301/FUL
Applicant: Mr R Broome
Location: Dinghills Farm, Oakham Road, Somerby LE14 2QF
Proposal: Storage Building

(a) The Head of Regulatory Services stated that:

Update

Additional comments from Parish Council, which have been circulated to Members:

- There is no need for the building – the farm has adequate storage for its 66 acres
- The building (1400 m2) is out of proportion with farming and diversification needs
- The development is to allow the transfer of a business from another location
- The application lacks information about deliveries and onward redistribution. It cannot be assessed without these and comparing them to the claimed reduction of 1000 car trips to Langham
- The traffic will have to use C class roads and pass through several local villages
- It is not farm diversification but business relocation to a rural location and is contrary to local plan policies C1 – 4 and OS2
- The conditions are noted but cannot be enforced

The Head of Regulatory Services stated that: information on deliveries and redistribution has been sought from the applicant. The building would replace approximately 7,000 sq.ft. at Langham and occupy around 4,000 sq.ft. of the proposed building

In the last year 33 containers were delivered and the same is anticipated this year, but could increase to 60 each year. Deliveries are typically at a rate of one transit van per day, which of course currently use the existing road network from Langham. We also understand the use is a relocation but do not believe this disqualifies it as a form of diversification. Deliveries and redistribution take place at present and it is understood this will be a direct replacement.

Officers do not follow the logic of the PC's concerns regarding enforceability of conditions – simply observing the timing and direction of traffic would achieve this.

As with previous application there is a balance here between OS2 and NPPF economic development objectives. In this instance we consider the location to bring transportation benefits and the location would not cause harm to the locality in terms of the building's size and location. Thus the balance falls in favour, in our opinion.

- (b) Cllr Blakebrough, Parish Councillor, was invited to speak and stated that:
- He is in favour of farm diversification but this use is not farm related
 - The size of the warehouse is too large and offers opportunity for future expansion which gives cause for concern
 - Increase in vehicle movements are difficult to ascertain and will be largely upon weight restricted roads
 - If Members are minded to approve then he asks that they only consider imposing conditions that can be enforced.
- (c) Mr Bates, the applicant, was invited to speak and stated that:
- Small farms need to diversify if they are too keep in business
 - The National Planning Policy Framework (NPPF) supports this type of application
 - The proposals will create more local employment
 - They have appreciated the support from the Planning Officers and the highways department at the County Council.

Cllr Barnes, Ward Councillor for the area stated that he supports the application as it creates diversification and jobs in the countryside. He suggested a condition regarding landscaping of the site would minimise the impact of the building.

The Head of Regulatory Services replied that conditions stated in the report can be policed and enforced.

Cllr Dungworth **proposed approval of the application** with the additional condition for landscaping.

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

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

DETERMINATION: PERMIT, for the following reasons, subject to asn additional condition

Reason: The proposal lies within the open countryside, set back from the highway and satisfies the definition of farm diversification as stated by DEFRA. The storage of pet products in addition to the agricultural activities already taking place at the site could help to ensure the long term viability of the farm. The proposal is significant in scale and as such is considered to exceed the provisions of the Development Plan Policy OS2 which limit such proposals to 'small scale'. However, the NPPF states that where relevant policies of the development plan are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or where specific policies in the framework indicate development should be restricted. It is considered that the proposal would generate significant benefits by

way of reduced vehicle movements, increasing the sustainability of both the farm and the storage businesses and could potentially offer a way for the business to grow. It is therefore considered that the application represents sustainable farm diversification which is supported by the NPPF paragraph 28, the LDF Core Strategy and Melton Local Plan Policy BE1.

Condition: No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.

(6) Reference: 12/00450/OUT
Applicant: Melton Borough Council
Location: Car Park Adjacent To 8 Burnaby Place, Asfordby
Proposal: Three family houses for social rent

(a) Head of Regulatory Services stated that:

The Parish Council had considered this application and raised no objections subject to:

- i. appropriate Section 106 contributions towards provision of local services provided by Parish Council like the cemetery, cleansing services and recreation services
- ii. access being provided from Burnaby Place
- iii. single storey dwellings only

Reiterate specific requirement (e.g. defining the access, number of houses, their scale etc.) should be applied now in a prescriptive manner rather than at reserved matters stage. Please note this development is below a Section 106 threshold for mandatory consideration

- (b) Harry Rai, on behalf of the applicants, was invited to speak and stated that:
- This application regenerates a disused garage site and would be an improvement to the area
 - He agrees with the suggestions noted by the Parish Council regarding access to the site and the Section 106 agreement.

Cllr Moncrieff stated that he was pleased that the site had been recommended for regeneration and that a Section 106 agreement was being considered. He stated concerns regarding the access from Burnaby Place and suggested that access should be from Saxelby Road instead. He **proposed approval of the application** with the change of access arrangements.

Cllr Holmes agreed that the access should be from Saxelby Road and **seconded the proposal to approve the application.**

Members discussed the parking arrangements on the site, the vehicle movements to and from the site and the pedestrian access through the site.

Head of Regulatory Services replied that the application was 'Outline' and meant that many details such as parking arrangements would be available at a later stage in the process. He also agreed that while the footpaths through the site were not official they may form part of the proposal if the Members required it.

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

DETERMINATION: PERMIT, for the following reasons:

The proposed development relates to residential development on a site which lies within the village envelope of Asfordby. As such, Policies OS1, and BE1 are applicable. Policies OS1 and BE1 allow for such development subject to criteria including the design and appearance being in keeping with the locality, adequate access and parking being provided and no adverse impact on the amenities of neighbouring properties. The proposal is therefore considered to accord with the above stated policies and no other factors are present to indicate that the decision should depart from the terms of the Development Plan.

(7) Reference: 12/00426/FUL
Applicant: Mr Graham Spurr
Location: The Nook, 37 Main Street, Rotherby, LE14 2LP
Proposal: Installation of solar PV panels on ground array in the rear garden

(a) Head of Regulatory Services stated that:

No updates for consideration by the Members.

Cllr Holmes **proposed approval of the application** as she agreed with the officer's report.

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

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

DETERMINATION: PERMIT, for the following reasons:

The application is for the erection of a timber structure to support an array of solar

panels in a residential garden outside of the village envelope for Rotherby. Whilst the proposal is contrary to Melton Local Plan Policy OS2, it is considered that the proposal will not harm the character of the open countryside which policy OS2 seeks to ensure. The proposal is supported by the NPPF which encourages sustainable development, and the Core Strategy DPD which supports the generation of energy from renewable sources. It is also considered that the development complies with Local Plan Policy BE1 which seeks to ensure that new buildings harmonise with their surroundings and have no adverse impact upon neighbouring properties.

D31. URGENT BUSINESS

The meeting commenced at 6:00 p.m. and closed at 7:50 p.m.

Chair