



MEETING OF THE  
DEVELOPMENT COMMITTEE

Civic Suite, Parkside

18 October 2012

PRESENT:

P.M. Chandler (Chair), P. Baguley, G.E. Botterill  
P. Cumbers J. Douglas, A Freer-Jones  
M. Gordon, T. Moncrieff, J Simpson

Cllrs Barnes and Orson (Observers)

Head of Regulatory Services, Applications and Advice Manager (JW)  
Solicitor to the Council (MP), Planning Policy Officers (PG and KM)  
Administrative Assistants (JB and TC)

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D41. APOLOGIES FOR ABSENCE

Cllr E. Holmes

D42. MINUTES:

Cllr Gordon asked for confirmation of the wording of the third condition regarding the approval of application 12/00407/FUL. The Head of Regulatory Services read the Section 106 detail and confirmed the nature of the wording.

Approval of the Minutes of the Meeting held on 27<sup>th</sup> September was proposed by Cllr Baguley and seconded by Cllr Freer-Jones. 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 27<sup>th</sup> September 2012.

D43. DECLARATIONS OF INTEREST

Cllrs Chandler and Botterill declared an interest in 12/00618/VAC as both have business arrangements with the Belvoir Estate.

**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.

D44. SCHEDULE OF APPLICATIONS

- (1) **Reference: 11/00913/FUL**  
**Applicant: Mr Mark Gale**  
**Location: Baytree Farm, Stygate Lane, Pickwell**  
**Proposal: One wind turbine and associated control kiosk**

- (a) The Applications and Advice Manager stated that:
- This application seeks planning permission for the erection of a single wind turbine and associated works on Stygate Lane, Pickwell. The proposed turbine will have a height of 26.4 metres to hub and 34.2 metres to the tip.
  - We are in receipt of a request to defer the application from Whissendine Parish Council (PC) and Somerby PC which reads:

There is been no communication to a neighbouring Authority when this structure is so close to the county boundary gives cause for concern.

It is only very recently that Whissendine Parish Councillors have known anything, certainly no time for information to be discussed with those most affected: the residents in the Parish of Whissendine on the A606.

There has been no time at all for any impact study here, and from reading the comments of other objectors it seems that very little has been done to consider noise and visibility in the immediate locality.

Therefore I request postponement of the application while proper surveys are done and results are shared with Rutland CC.

Somerby Parish Council on behalf of local residents require adequate time to consult and prepare detailed responses to the application following new information received and not contained within the committee report . We consider that material issues have not been addressed nor placed in the public domain and therefore we request that this application be deferred until the next meeting of the Development Committee.

Consultation with Rutland County Council

1. The comments from RCC dated 15<sup>th</sup> October have not been responded to by MBC.

2. Copy of email sent by RCC Principal Planning Officer Nick Hodgett is attached to this email.
3. The comments from RCC are not in the public domain on the MBC web site nor is MBC's response.
4. Serious objections are contained in their email to MBC dated 15<sup>th</sup> October
5. The late notification of the application to RCC meant that Whissendine residents were not able to access the details from their specific authority's web site.

#### Pickwell resident's petition

1. Pickwell residents had relied on their elected Cllr to represent their interests in this matter.
2. It now appears that the Ward Cllr is in favour of the application despite speaking against the Thorpe Satchville application. This has seriously disadvantages local people. Our ward Cllr has not discussed this matter with the Parish Council or to our knowledge local residents.
3. At very short notice a petition against the application has been organised gathering so far over 50 signatures from Pickwell residents there being 63 households within the village.

#### Other affected settlements

Due to time constraints imposed by the short notice for the Development Committee meeting other local residents have not been consulted adequately.

#### Whissendine

We have met with representatives from the Whissendine Wind Farm Action Group (again at very short notice) and they were unaware of the application. They are against the application but have no time to formulate an adequate response.

#### Wind Turbine application criteria

1. No onsite readings have been taken over a period time to establish background noise levels.
2. Recent studies suggest rural background noise can be as low as 30db or even less.
3. A recent report from the Acoustic Ecology Institute states that noise can be a significant issue when turbines are within 800 metres of homes. The report also states that it is important to recognise that night-time ambient noise levels in rural areas are often 30db or lower, so it is not hard for wind turbines to become a new and dominant acoustic presence. There is a total reliance within the application and the report on ETSN-R-97 which is desk top only methodology and as such no background noise data has been collected.
4. It is essential to have the opportunity to fly a blimp at the appropriate height so that the true effect of the wind turbine can be seen from a range of positions.

The Applications and Advice Manager stated: we are in receipt of comments from Rutland County Council and these are to be reported verbally. With regards to a petition the application has been in since November 2011 allowing adequate time for people to make representations to the local authority, we are not in receipt of a petition. The application has followed all consultation procedures correctly. With regards to the noise issue it is considered the assessment has been undertaken in accordance with the recommended assessment criteria. The Applications and Advice Manager asked if Members wished to accept this request for deferment.

Cllr Simpson noted that requests for deferment have been received due to concerns regarding time scales between committee notifications and committee dates and she believed that these arrangements should be reassessed. She **proposed deferment of the application.**

Cllr Botterill asked what the consequences of deferring the application might be and what time scales are of issue.

The Applications and Advice Manager stated that this type of application has a normal determination period of 8 weeks and this application had been submitted over 11 months ago. She went on to say that although the applicants had not appealed for non-determination there was no evidence to suggest that they could not.

Cllr Botterill **moved to proceed with the application.**

Cllr Moncrieff **seconded the proposal to proceed with the application.**

No seconder to defer the application was received.

A vote was taken: 8 in favour of proceeding, 1 against.

The Applications and Advice Manager continued with her updates to the report regarding the application. The application had been with the authority since November last year; however, we received numerous late objections and correspondence to the proposal.

- 1) Comments have been received from Rutland County Council who have stated that the turbine is in close proximity to boundary with Rutland and their Landscape Capacity Study which states that the land within Rutland has moderate capacity to cater for small individual wind turbines. They state that the site appears to be on the highest land in this area and will therefore be particularly prominent in the landscape and wonder if an alternative site could be found to limit visual impact on resident and the wider landscape.

In response to this the turbine is only 34.2 metres in height and the document they refer to is supplementary planning guidance which hasn't been adopted and is not policy. The impact of the landscape has been fully considered within the report. The question of alternative sites is not relevant to considering the impact of this proposal in this location.

- 2) Further comments have been submitted by Somerby PC with regards to noise and that the turbine will produce noise from the generator, swishing noise from the blades and Infrasound – Low Frequency Noise. The Parish Council stated that they have seen no supporting data setting out noise levels produced at varying wind speeds, for each of these elements and are not able to make informed comment except that they are of the opinion that the noise from turbines is likely to be far greater on local communities than suggested in the application. They question the background noise levels in such an isolated rural location. Due to the location on a high ridge the surrounding villages, Pickwell and Leesthorpe in particular, the distance sound will travel will be greater particularly at night. The Parish Council have also referred to an article provided by Alan MacDonald ARIBA in relation to photographs and their effect on the perception of size. Wind farm developers have been accused of making turbines look smaller than they actually are when applying for planning permission in order to trick councils into granting them. In extreme cases a turbine can be made to look four times smaller than reality. They believe that Local Residents, Planning Officers and Members need to see a blimp flying as essential information relevant to the application, however, it takes some 30 days to secure and could not be arranged before the 18<sup>th</sup>.

In response to this, the noise assessment submitted in support of the planning application has been undertaken in full accordance with ETSU-R-97, which is the recommended assessment methodology detailed within the National Policy Statement for Renewable Energy Infrastructure (EN-3), which is specified as the best approach to assessing the impact of wind turbines in footnote 17 of the National Planning Policy Framework. It is also the governments recommended guidance on noise assessment.

The applicant has also stated the following in relation to the noise comments from the PC.

- 1) Noise generation of the turbine does contain noise from the generator and from the swish of the blade, and this is included for within the assessment. However turbines do not produce low frequency noise. A study undertaken in 2006 by Hayes McKenzie for the DTI indicated that there was no indication of health effects arising from infrasound or low frequency sound generated by wind turbines.

- 2) The noise level used within the assessment is based upon the highest noise level up to 10m/s as required by ETSU-R-97. At lower wind speeds the noise level is lower than this and at higher wind speeds significant noise from wind generated background noise sources such as wind in vegetation will mask the turbine noise.

- 3) In accordance with ETSU-R-97 assessment has been undertaken based upon a desktop only methodology and as such no background noise monitoring have been undertaken. It states within ETSU-R-97 the following: "For single turbines or wind farms with very large separation distances between turbines and the nearest properties a simplified noise condition may be suitable. They are of the opinion that, if the noise is limited to an LA90,10min of 35dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary". Therefore the 35dB(A) detailed

within the report is not an indication of background noise but the fixed absolute noise limit that the turbine will be limited to.

It should be borne in mind that though the PC have indicated that this is a very rural location which would experience low background noise. Though this may be true at low wind speeds it is not necessary the case at higher wind speeds when the wind turbines generate the highest noise levels. When dealing with background noise at a specific location there are generally two different types of noise sources, constant background noise sources due to sources such as distant traffic or distant industrial developments and wind generated noise sources due to wind in trees and vegetation. In a very rural location constant noise sources such as traffic noise can be very low, however wind generated noise sources will still remain. At low wind speeds, wind based background noise sources can be very low, however it should also be borne in mind that wind turbine noise levels are also low.

4) Calculations have been undertaken based upon worst case meteorological condition, i.e. light down wind conditions, therefore the results can be considered worst case regardless of time of day or night.

It is not considered the wind turbine will have any unacceptable adverse impact on the amenities of neighbouring residential properties by virtue of noise and no evidence has been produced to suggest otherwise. A condition can be imposed to ensure that the turbine has no adverse impact by virtue of noise.

With regards to the photographs and landscape, it is understood the Parish Council hoped to arrange for a blimp to be positioned on the site to demonstrate the turbine's impact. Whilst it is acknowledged that this would give an indication of the height of the proposed turbine, it is not recognised as an appropriate method for assessing visual impact. The Parish Council are also concerned that the photomontages have been produced in a way which reduces the size of the turbine. The photomontages have been produced in accordance with best practice guidance, using the correct camera and lens.

An objection has been received from Knossington and Cold Overton Parish Council. They are objecting on the grounds that the turbine would adversely affect the skyline viewed from Cold Overton and result in noise inappropriate to a conservation village situated in rural countryside. Whilst located in the Parish of Somerby, Cold Overton is a Conservation Area with two Grade I listed buildings, in their view Cold Overton is more likely to be adversely affected than Somerby. The proposed turbine would be sited on a prominent ridge with a valley between, as the valley is open farmland there will be an unobstructed view of the wind turbine from Cold Overton. The north-west skyline from this conservation village will be dominated by the wind turbine. They also state that Cold Overton will suffer from noise emitted by the turbine as the predominant wind direction is from the west. The village will receive fully the noise that will emanate from the wind turbine. They request that this turbine is refused due to the damage that would be done to Cold Overton, a conservation village.

In response to this Cold Overton is approximately 2.5 km to the south of the application site and it is considered that this distance between the turbine and the

village is significant and would mitigate any impact of the turbine. The information submitted has assessed the impact of the turbine from Manor Farm, Cold Overton which is in the valley between the application site and Cold Overton village. From this location the turbine is noticeable, but not dominant and is screened by some of the vegetation between the site and the farm. The listed buildings in Cold Overton would not be affected by the proposal due to the distances involved between the site and the buildings. It is considered that Cold Overton, its Conservation Area and Listed Buildings would not be adversely affected by the proposal. With regards to the noise issue the Parish Council have been asked if they have any evidence to show that Cold Overton would be adversely affected by noise, the Parish Council have responded by stating that the comments regarding noise emanating from the turbine are based on a pragmatic point as when the wind comes from the north west the smell of the pig farm at Stygate Lane reached Cold Overton and as the wind turbine will be located in the same area as the pig farm it is reasonable to assume that the sound will travel in the same manner. As no evidence has been submitted and it is considered that the application has been assessed in accordance with the recommended assessment methodology it is considered that a reason for refusal based on noise could not be substantiated.

A further three letters of objection have been received from residents in Cold Overton and Thorpe Satchville. The further objections relate to:

Visibility from Cold Overton and low frequency noise will produce annoyance, disturbance and ruin the quality of life for residents. Stating it is a short term money maker using ineffective technology being inflicted on the area. Concern regarding noise and that ETSU is a code that places modest limits on sound within the normal hearing range but fails to address Low Frequency Noise and refers to reports into the damages of turbines on health and sleep. Doubt that the turbine installers can guarantee that the noise effects will be below 32 dBA. Health concerns over Wind turbine syndrome. Concern that the Landscape and Visual Impact report only offers general opinions and there is no zone of theoretical visibility. The turbine will be visible from Borough Hill Iron Age Fort and the setting of the Fort and its historical context will be compromised. The landscape is bleak during winter and the turbine will be more visible during these times. There is no site specific data in relation to noise. There has been no consideration to flicker or the impact of shadow flicker. The proposal does not comply with Policy C2 of the Local Plan. The predicted noise is unrealistically optimized with noise emission of the units based on optimized based on laboratory conditions and perfectly new machines, thus, the predicted noise output is likely the lowest that could occur. As the unit ages, the noise will increase. The topography and atmospheric effects tend to shatter the model to which the noise has been assessed. The noise information provided by the applicant is over simplistic, expressed on optimistic terms and does not take into consideration any of the realities of the terrain within which the installation and neighbouring homes are situated. The turbine will ruin the appearance of local countryside, produce noise pollution with miserable/marginal economics and do little to alleviate the growth in carbon dioxide. Concern over the impact on Cold Overton's conservation area, listed buildings and result in something ugly, futile and ineffective technology. The environmental assessment has not taken into consideration the village of Cold Overton. Urge the rejection of the turbine.

In response to this it is considered that the majority of these issues have been dealt

with in the report and within the address, particularly in relation to the issue of noise. With regards to the landscape and visual assessment, the information submitted was considered to be acceptable in order for the officers to consider the application. ZTV's are a useful tool but they cannot replace the human eye and personal judgment. Impact on the landscape is a subjective measure. It is considered that sufficient information has been submitted to allow an assessment of the proposal. Being visible in the landscape is not a sufficient reason for refusal. The NPPF advises that the impacts should be significant. With regards to shadow flicker, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a turbine and cast a shadow on and off. It only occurs inside buildings where the flicker appears through a narrow opening. The nearest residential dwellings, not associated with the farm, are Bocker Farm approximately 300m to the North, Marylands Farmhouse 416m to the North and Pickwell Grange, 1km to the North. It is unlikely that Bocker Farm would be affected by shadow flicker due to the trees and hedgerows filtering views of the base of the tower. The higher parts of the tower and blades however would be visible above the trees. Maryland Farm have no windows facing towards the application site and therefore would not be affected. Leesthorpe Hall has a high level of screening from the turbine and it is unlikely that shadow flicker would occur due to this. In response to the concerns in relation to health, there has been no evidence produced to prove that the turbine would have a detrimental impact on health.

This concluded the updates to the report.

The application relates to a single 34.2 metre high turbine. The proposal is considered to be supported in terms of principle by national policy in the NPPF. 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 'significantly and demonstrably' unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. 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 the NPPF. Accordingly, the balance of these issues is considered to favour the installation. With regards to noise it is considered that this can be controlled by means of a condition. The site is considered to have adequate access arrangements and to pose no risk to highway users. Having considered all the issues on balance, in this instance, the proposal is considered acceptable and is therefore recommended for approval as set out in the report.

The Chair stated that a second Parish Council had requested to speak at the meeting which incurred a necessity to suspend standing orders for speakers.

Cllr Gordon **proposed to suspend standing orders.**

Cllr Simpson **seconded the proposal to suspend standing orders.**

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



unanimously.

(b) Peter O'Conner, on behalf of Somerby Parish Council (PC) was invited to speak and stated that:

- The PC objected strongly to this application
- The height, position and movement would introduce a new and widely visible element in the landscape
- The turbine position on a ridgeline would not only adversely affect an area of character but be visible from 360 degrees including an impact on Rutland as objected to by Rutland County Council
- Montages submitted did not show the true impact of the turbine on what is currently an unspoilt landscape
- The turbine will be overly dominant on the landscape as there is nothing similar visible locally
- Three local villages will be impacted compared to the almost insignificant renewable energy from the turbine, therefore the benefits do not outweigh the problems it would create
- The area is very quiet and the turbine will be heard especially as some homes are less than 800m away.

(c) Richard Bates, on behalf of Knossington and Cold Overton PC was invited to speak and stated that:

- He is a resident of Cold Overton
- The PC objects to the proposal
- Cold Overton is as close to the site as Somerby and sits on a ridge parallel at the same height as the proposal
- The turbine will be a dominant feature from the conservation village
- Wind is especially strong in the area and as Cold Overton is downwind from the site noise will affect the village. Although there is no evidence to support this, as smell from the pig farm reach the village it is logical that noise from a similar area will also reach the village.

(d) Nicola Fowler, an objector was invited to speak and stated that:

- She represents a clear majority of the local village residents
- The turbine will cause great damage to the village landscape
- The rural countryside, designated as High Leicestershire, should be protected
- The officers report acknowledges that there will be an impact but is mistaken to describe this as insignificant
- The proposal is not classed as farm diversification and as such is not supported in the National Planning Policy Framework (NPPF)
- A breach of the Local Plan is not justifiable as the impact will be significant and the primacy of this plan should not be ignored

- The turbine will be a prominent feature in views from a short and long distance
- The farm cannot justify a need for such a turbine.

(e) Tom Armfield, agent for the applicant was invited to speak and stated that:

- Although this proposal is only for one turbine it will have a significant impact on reducing CO2 use of the farm
- Somerby PC were approached last year for consultations
- The NPPF strongly supports renewable energy production even at a small scale
- The impact will not be overly dominant and is acceptable
- The application is supported by many reports that show that there will be no adverse impacts
- There have been no objections from many of the consultees
- The officers reports suggests approval appropriately.

(f) Cllr Mark Barnes, Ward Councillor for the area, was invited to speak and stated that:

- Each application site should be considered on their own merit and need
- The Council cannot afford to 'blanket' refuse wind turbines
- The site is not a designated 'Area of Outstanding Beauty'
- The Borough has lots of open space away from the main villages which will see increasing numbers of applications which should be fairly considered
- He supports the Officer's recommendations in the report.

The Applications and Advice Manager replied to Peter O'Conner: Rutland CC did not submit an objection but rather, comments on the location of the application. To Miss Fowler: the site is not within a national character designation and 'High Leicestershire' is a description used rather than a formal designation; regarding the NPPF and Local Plan and their relative primacy, this has been discussed in previous meetings and can be details again should the Members require it. To Cllr Barnes: the NPPF does not require applicants to prove need for renewable energy.

Cllr Gordon stated concerns regarding the Environmental Health Officer's comments regarding a similar turbine in another part of the borough.

The Applications and Advice Manager confirmed that there had been a complaint regarding the turbine but that the noise causing the nuisance was found to be caused by a faulty motor and that had now been resolved. She went on to say that another turbine of similar type had been erected in the borough with no noise complaints.

Members debated the size of the turbine and its impact on the public particularly because of the siting on a ridge. Several suggested that smaller turbines were less visually intrusive while still producing renewable energy. However a Member disagreed and stated that she preferred larger turbines as they were aesthetically pleasing and more efficient.

The Chair asked for confirmation if the turbine situated at Stathern Hill was of a similar size.

The Applications and Advice Manager confirmed that they were of a similar size.

The Chair noted that she has received only positive comments regarding the turbine at Stathern Hill which is also a very prominent site.

Cllr Moncrieff agreed with Cllr Barnes that a 'blanket' approach could not be used for determining turbines and went on to say that a policy on turbines would be very helpful. He also stated that he believed that turbine height is a technical matter. He **proposed approval of the application.**

Cllr Baguley stated that she preferred the larger turbine to multiples of smaller one and **seconded the proposal to approve the application.**

Cllr Freer-Jones asked for clarification on the requirement by law for farmers to reduce their CO<sub>2</sub> footprint.

The Applications and Advice Manager replied that it is a core tenet of national and local policy to reduce CO<sub>2</sub> emissions.

The Chair stated that DEFRA is strongly encouraging farmers to use renewable energy where possible in order to help keep food production costs down.

Cllr Freer-Jones asked how the impact on a conservation area is judged in this case. She went on to state that the turbine would impact on the character of the area and the noise produced could be significant.

The Applications and Advice Manager replied that the impact on the landscape is a subjective matter for consideration at the Committee.

A Member stated that she acknowledges that noise can be an issue for some local residents and would prefer to see tough conditions placed on approvals rather than refusing applications such as this.

Cllr Simpson **proposed refusal of the application** because the proposed wind turbine would, by virtue of its height, colour and moving blades, introduce a new element into the open countryside that would be widely visible. That the turbine would have a very strong presence, so much so, that it would become one of the main visual elements in the immediate landscape. The visibility and presence would exceed that of any immediate existing local feature. The development would constitute a prominent feature in the open countryside which would fail to protect or enhance its distinctive local character and is not capable of mitigation or adequate

compensation. Accordingly the proposed development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the objectives of the East Midlands Regional Plan and the guidance offered in the NPPF in relation to sustainable development, design, renewable energy and the natural environment.

Cllr Douglas **seconded the proposal to refuse the application.**

Vote on the amendment to the officer's recommendation, i.e. to refuse the application: 4 in favour, 5 against.

Vote on the proposal to approve the application: 5 in favour, 4 against (Cllr Douglas and Simpson asked for their votes against the application to be recorded).

Cllr Barnes left the meeting at 7:15pm.

**DETERMINATION: PERMIT, for the following reasons:**

The proposal is considered to be supported in terms of principle by national policy in the NPPF as contributing to the wider aims of encouraging renewable energy, de-carbonising the economy and promoting farm diversification. 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 'significantly and demonstrably' unacceptable within national guidance. In terms of the landscape, guidance in the NPPF puts the emphasis on protecting international and nationally designated sites such as National Parks. 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 the NPPF. Accordingly, the balance of these issues is considered to favour the installation.

The proposal is considered by Environmental Health to have a potentially negative impact upon some properties located approximately 300-400m from the application site with regards to the potential noise at low wind speeds. On balance it is considered that this risk could be mitigated by conditions in line with ETSU-R-97. The site is considered to have adequate access arrangements and to pose no risk to highways users.

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- (2) **Reference: 12/00585/FUL**  
**Applicant: Mr Harvey**  
**Location: Land to the Rear of The Homestead, 40 Main Street, Hoby, LE14 3DT**  
**Proposal: Proposed Material Change of Use of Building From Agriculture to Uses Ancillary with 40 Main Street, Hoby (Home Office)**

- (a) The Head of Regulatory Services stated that:

Comments from an objector had been previously circulated.

Comments from Applicant regarding the recommended conditions:

- Seeks omission of condition 4 as it is unnecessary given the inclusion of nos. 3 and 5. Also consider condition 4 to be too restrictive as it would not allow visitors to meetings. This occurs already in the homestead so there would be no increase in traffic. The Head of Regulatory Services advised that he did not agree – the use can comprise visitors and meetings, but only if conducted by Mr Harvey as resident of the Homestead – it is the use that the condition restricts, not the people present at any given time.
- Condition 5: question the need to include ‘sale’ in the condition and suggest the subsequent words (leased and used) provide adequate control. The Head of Regulatory Services agreed – the key is ‘use’ so as long as that is controlled the desired effect of permanent linkage to the Homestead is achieved.

(b) Martin William, Chair of Hoby with Rotherby PC, was invited to speak and stated that:

- The planning history of the site raises doubts about the initial reasons for the redevelopment of the original agricultural buildings
- The replacement buildings from the previous approvals in 2009 and 2010 are not in keeping with the surrounding area or their agricultural use
- The conditions cannot be easily monitored
- Concerns that once the application is permitted then the use could become residential rather than purely a home office. This is of further concern because the building is outside the village envelope.

(c) David Farrer, an objector, was invited to speak and stated that:

- The officer’s report does not state the proposed use as residential however the applicant cannot apply for the use as commercial, so this building cannot be used to boost local employment but could be used for residential purposes such as a granny flat
- The applicant would not receive approval for commercial use due to the restricted access to the site therefore there is no benefit to the local community and hence the NPPF also does not support the development outside the village envelope for residential or ancillary use
- This is not reuse of agricultural buildings as the redevelopment was not made in accordance with the approved plans
- Members are being asked to accept an implausible use

(d) Mark Walton, agent for the applicant was invited to speak and stated that:

- Members could see at the site visit the buildings have been standing empty and the applicant wishes to use them solely as a home office, not as residential

- There will be no operational or design changes involved
- The building will not be leased out to 3<sup>rd</sup> parties and will not produce any employment
- LCC Highways have not raised objections to the proposals
- This is an appropriate use of the empty buildings
- This proposal is in line with local and national policies.

The Head of Regulatory Services replied that the current development had received planning approval and had been subject to enforcement procedures which had prevented an unauthorised use. It is understood that the applicant wishes to run his business interests as well as his domestic affairs from the building. Conditions have been recommended that will restrict use and stop it from becoming residential in the manner in which Mr Farrer was concerned with.

The Chair asked if the previous application would have been approved if it had been for office use rather than agricultural use.

The Head of Regulatory Services replied that it was highly unlikely that the office use would have been supported as the development is 'new build' and outside the village envelope whereas the replacement agricultural buildings did receive permission.

Cllr Freer-Jones asked for confirmation for the term 'agricultural use'.

The Head of Regulatory Services stated that the term has a wide definition in law but that it pertained to the rearing of animals or production of food stuffs including uses in support of these activities, such as storage and office use.

Members agreed that the buildings did not appear to be agricultural in style and voiced concerns over the applicants initial motivation for replacing former agricultural buildings with 'storage' building with patio doors, heating and flooring more consistent with a residence.

Cllr Botterill agreed and **proposed to refuse the application.**

Cllr Cumbers **seconded the proposal to refuse the application.**

Cllr Gordon found the use of the site confusing at the site visit and asked for confirmation regarding the farming use of The Homestead.

The Head of Regulatory Services confirmed that the applicant owned some fields nearby but that he understood them to be rented out.

Cllr Gordon suggested that the building is already built and should be used rather than stay empty and **proposed approval of the application.**

Cllr Douglas agreed with Cllr Gordon and stated that the conditions restrict the use of the development for residential purposes. She **seconded the proposal to permit the application.**

A vote was taken to permit the application: 2 in favour, 6 against.

A vote was taken to refuse the application: 6 in favour of refusal, 1 abstention (Cllr Baguley) and 2 against refusal (Cllrs Douglas and Gordon asked for their votes to be recorded).

Members wish it to be recorded in the minutes that they were appalled that the permission for the agricultural buildings appears to have been abused as a method of obtaining office use.

**DETERMINATION: REFUSED, for the following reasons:**

The change of use is not for employment purposes and would not give rise to economic development, nor is there a justified need for such a development in this unsustainable location. It is therefore contrary to Policies OS2 and C6 of the adopted Melton Local Plan and the NPPF (paragraph 28) and would give rise to significant harm but no discernible benefits.

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- (3) Reference: 12/00574/FUL**  
**Applicant: Mrs A Cowley**  
**Location: Hunters Lodge 12 Church Lane, Old Dalby**  
**Proposal: Extension and alterations to existing care home**

(a) The Applications and Advice Manager stated that:

This application seeks planning permission for the extension of an existing residential care home within the village envelope and designated Conservation Area for Old Dalby. The proposed extension is to provide single rooms as there are currently 7 shared rooms and allow the care home to comply with requirements for care facilities. There is a correction to the report, there is to be no increase in number of beds. There is also an error on page 10 of the report and Condition 4 and 5 are not required as they do not relate to the proposed extension which is not to the front of the site.

Members may recall a similar application on this site was presented to Development Committee in April 2012. The previous application related to two extensions to the care facility and was refused on the grounds that the extension would have an overbearing and over dominant impact at the north east corner of the building upon 8 Church Lane and would be overbearing, over dominant and result in the loss of privacy upon 10 Church Lane arising from the extension to the south east corner of the building. The application was also refused as it was considered to have a detrimental impact upon the Conservation Area. This application has been amended and proposes a two storey extension to the northeast corner of the site only. The previous extension to the south east has been removed from this proposal. The extension has also been reduced in size. Therefore, Members need to consider if this revised application has overcome the previous grounds for refusal.

The design of the extension is acceptable, it is considered that the access and parking arrangements are acceptable and the amended proposal is considered to not to have a detrimental impact on adjoining neighbouring properties. It is considered that the previous grounds for refusal have been overcome and therefore the application is recommended for approval as set out in the report.

- (b) Tony Bunn, an objector, was invited to speak and stated that:
- He objects to the North East extension as it is too big and too near to neighbouring properties
  - His property will be only 10m from the new extension and this has not been properly considered due to inaccurate and out of date OS maps being submitted by the applicant
  - The proposal is too overbearing and over dominant
  - The removal of the mature Cherry Tree will impact local character of the area and reduce screening of the building.
- (c) Mrs Cowley, the applicant, was invited to speak and stated that:
- The proposals would result in improved facilities for residents allowing each resident to have a single room
  - Proposals will accommodate a lift which will greatly help residents with mobility problems
  - Some objectors believe that there will be an increase in number of residents leading to an increase in traffic to the site however these new plans propose no increase in the number of residents and will not increase the amount of traffic in the area
  - Other residents have been consulted to try and overcome objections that they may have
  - Disruption has to be kept to a minimum for residents and this scheme is the least invasive for both residents and neighbours
- (d) Cllr Joe Orson, Ward Councillor for the area, was invited to speak and stated that:
- Hunters Lodge facilities and staff had a very good reputation that was upheld by official visits to the home
  - The business provide local jobs and gives priority to local people
  - The proposals will improve the level of care at the home
  - Accords with the relevant policy
  - The neighbours have legitimate concerns regarding the size and proximity of the proposals, and the new development may have an impact on the conservation area also.



The Applications and Advice Manager replied to Mr Bunn: the OS maps used by the Council are not “out of date” but the latest available however they do not contain his most recent extension and the officer’s report does state this. The site visit enabled the Members to see this for themselves. Regarding loss of privacy, the gable nearest to Mr Bunn would have no windows therefore overlooking would not occur. She went on to say that the previous reasons for refusal in part because of ‘overbearing and over dominance’ of the previous proposal and that Members had to assess if these reasons had now been overcome.

Cllr Gordon stated that she believed the reasons had been overcome and **proposed approval of the application.**

Cllr Baguley agreed and **seconded the proposal to approve the application.**

Members agreed that the proposal will affect neighbours but not sufficiently to refuse the application.

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

**DETERMINATION : PERMIT, for the following reasons:**

The design is considered acceptable and to not have a detrimental impact upon any neighbouring residents. The access and parking facilities are considered acceptable due to there not being a material increase in traffic generation. Due to the constraints of the accommodation it is not considered that there could be a higher number of residents on site at any one time as they are governed by separate legislation as care providers. For this reason it is considered not necessary to restrict the number of residents. The previous reasons for doing so was in the interest of highway safety and the impact an increase in traffic movements would have on residents. There has been a substantial shift in highway guidance with a more relaxed approach. The driveway is private and not in the control of the Highways authority and its use cannot be restricted by condition.

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**(4) Reference: 12/00575/FUL**  
**Applicant: Mrs Sally Grice**  
**Location: 34 Asfordby Road Melton Mowbray LE13 0HR**  
**Proposal: Use of premises as funeral directors**

(a) The Head of Regulatory Services stated that:

Response from applicants to objections received:

- Applicants wish to expand into MM to provide the choice of a small family run business in an area largely dominated by one company

- Privacy: the car park which is surrounded by wall with private access. The delivery of coffins will take approx 5 minutes and they will not be on view to passersby or local residents
  - visual intrusiveness: the only vehicles accessing the premises would be staffs cars and the private ambulance
  - Over 80% of funerals leave from home or meet straight at the crematorium. We would leave for the funerals from our Asfordby office where our funeral fleet is kept and coroners would operate from Leicester Royal Infirmary. Melton would also have the benefit of disabled access and parking which we do not current have at Asfordby. Having a building that is accessible by clients who are disabled or in a wheelchair would also enable us to provide services to all individuals
  - Traffic concerns: Cottesmore Avenue is currently being used under capacity and references to its congestion are irrelevant as the property has a private car park.
  - Character of the area: the premises are fully alarmed and only the deceased family will be allowed to visit. At no point will a deceased person ever be on show to the public, our chapel of rest is totally private and secure.
  - The vets who are opposite generate more noise and traffic due its nature of trade.
  - The building currently has D1 medical and could be used for a number of things ranging from a doctors surgery to a alcohol and drug rehab centre with associated noise and traffic. The building could also be used as a place of worship with its existing use and this could mean the building could be used by any religious group.
- (b) Amanda Posnett, an objector, was invited to speak and stated that:
- Residents chose to live in that area because it was a quiet area
  - Residents oppose it because of the oppressive nature of the use which will put families off playing with their children on the street
  - The traffic generated by the slow moving and large vehicles would exacerbate an already crowded one way street system
  - Parking will be more difficult
  - Proximity to mourners who travel in slow moving vehicles will be a cause of great embarrassment
  - Emotional stress will be caused by the funeral parlour
- (c) David Homer, the applicant, was invited to speak and stated that:
- They are a 250 year old company serving the area
  - They understand residents concerns especially regarding traffic but can assure them that the car park at the rear of the building was sufficient for all the expected needs of the business at the site
  - All main activities will remain at the Asfordby site and coffins will at no time be visible to neighbours or passers by
  - Hearses would not transport coffins to the site and therefore would not be causing slow moving traffic on the road

- A private ambulance with darkened windows will be used
- During the day staff will be at the new site; the car park provides sufficient space and there will be no requirement for street parking
- The nature of the business is quiet and dignified.

(d) Cllr Horton, one of Ward Councillors for the area, was invited to speak and stated that:

- Residents views need to be considered
- The proposal will affect highway safety, be dominant and oppressive and adversely impact overlooking and privacy
- Some of the information from the applicants is contradictory
- Movement of the coffins will cause traffic concerns
- Parking issues will be worsened especially at school drop off and pick up times
- Movement of large vehicles along the one way streets will be difficult
- The walled area around the car park will not offer any screening
- The neighbouring properties will suffer the most.

The Head of Regulatory Services replied that the proposals do not alter the building and therefore there can be no increase in impact or 'visual dominance' arising from the scale of the building – the term appeared to be used to describe the impact of a use that was regarded as incompatible with surrounding residential properties.

Cllr Moncrieff had sympathy with the applicant but he believed that the business was not suitable for the area. The wall does not offer any screening and a neighbour he visited is able to see directly into the car park. He stated that he also understood concerns about traffic but especially felt that as visitors to the funeral home would be upset he believed the site is unacceptable. He **proposed to refuse the application**.

Members discussed visiting the most effected neighbours to see for themselves the issue of overlooking and privacy as there had not been the opportunity on the site visit due to a confusion with times. The Head of Regulatory Services apologised that he must have misinformed a local resident of the timing of the site inspection.

Members disagreed about the necessity to view the site from the neighbours.

Cllr Moncrieff stated that he would withdraw his proposal to refuse the application if the committee were to revisit the site. He **proposed to defer the application**.

Cllr Gordon **seconded the proposal to defer the application**.

A vote was taken: 5 in favour of deferment, 2 against deferment, 2 abstentions.

**DETERMINATION : Defer, to accommodate a further site inspection.**

- (5) **Reference:** 12/00334/REM  
**Applicant:** Mr A Ashford - Westleigh Developments Limited  
**Location:** Land West of Bowling Green, Leicester Road, Melton Mowbray  
**Proposal:** Development to provide buildings for B1 use within a Business Park setting (Outline approval 10/00190/EXT)

(a) The Applications and Advice Manager stated that:

This application seeks reserved matters consent for the appearance, layout, landscaping and scale of an approved business park. Outline planning consent has previously been granted and therefore the principle of development and the access have been approved. The site lies to the north of Leicester Road and is within the town envelope.

There are no updates to report on this application.

The reserved matters application proposes 11 B1 units of various sizes and each with their own parking area. The application proposed to phase the development to allow the units to meet the demand of the end user. The application is considered to provide high quality offices with close links to the town. It is not considered that the proposal will have a detrimental impact on highway safety or residential amenity and is considered to be in line with the Policies in the Local Plan and the NPPF. Therefore, the application is recommended for approval as set out in the report.

Cllr Gordon asked for clarification on the removal of the turning provision at the entrance to the site.

The Applications and Advice Manager replied that the turning point had been further into the site and therefore there was still adequate provision for turning.

Cllr Gordon **proposed to approve the application.**

Cllr Cumbers **seconded the proposal to approve the application** stating that she was happy that the design was of a high standard and reflected the nearby Melton Building Society headquarters.

Cllr Botterill stated he would not support applications such as this one that lie in a flood plain.

A vote was taken: 7 in favour, 1 abstention and 1 against (Cllr Botterill wished his vote against the application be recorded for the reason given above).

**DETERMINATION : PERMIT, for the following reasons:**

The application site benefits from outline consent for business development and is currently an overgrown parcel of land to the west of the town. The proposal seeks to provide high quality office development with close links to the town where there is

a choice of transport modes. The Office development will support the borough's economy and provide the much need office space to allow flexibility for the end user; providing different size units to accommodate start up business or those wishing to expand. The proposal is considered to not have a detrimental impact upon highway safety or residential amenity. For these reasons the proposal is considered in accordance with local and national planning policy framework (NPPF) – including the emerging LDF Core Strategy Publication DPD objectives - and no other material considerations indicate otherwise.

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**(6) Reference: 12/00618/VAC**  
**Applicant: Belvoir Estate**  
**Location: Field No. 1962 Belvoir**  
**Proposal: Amend Condition 2 (period of time) on Appeal decision 10/00660/FUL relating to the erection of a semi permanent marquee**

(a) The Applications and Advice Manager stated that:

This application proposes the amendment to a time limit condition imposed on an appeal decision in relation to the erection of a semi-permanent marquee within the grounds of Belvoir Castle.

There are no updates to report on this application.

The application proposes the variation of the time limit constraints to run between March 2013 and October 2015. The application is recommended for approval as set out in the report.

Cllr Chandler and Botterill left the meeting due to their stated interest in the application. Cllr Cumbers took the Chair.

- (b) Tom Armfield, agent for the applicant was invited to speak and stated that:
- The first year of consent had partially elapsed by the time the Appeal had been won and therefore important advertising time required to successfully promote the venture had been lost
  - The marquee will bring vital revenue needed for Belvoir Estate
  - The consent will still only run for 3 years as per the original Appeal consent.

Cllr Moncrieff stated that he saw no issues with changing the duration of the application and **proposed approval of the application.**

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

Cllr Baguley stated that she had been initially opposed to the marquee but now believed there would be no substantial harm caused by it.

A vote was taken: 6 in favour, 1 abstention.

**DETERMINATION : PERMIT, for the following reasons:**

The proposal for the erection of the marquee for wedding events for an eight month period (March to October) annually was approved at appeal on 30 January 2012. Condition 2 of the consent stipulated that the marquee could only be erected for a three year period running between 1 March 2012 and 31 October 2014. Due to the date of the decision the applicant did not have sufficient time to undertake the necessary marketing before the commencement of the first season and as such the marquee has not been erected to date and hence there has been a significant reduction in funds available to maintain Belvoir Castle.

This application requests that time limits imposed in Condition 2 be varied to run between 1 March 2013 and 31 October 2015, thus allowing appropriate marketing to be undertaken prior to the commencement of the first season. Given the temporary nature of the siting of the wedding marquee, consideration of local policies OS2, BE1 and BE9 together with national policies contained within the NPPF the variation in time limit is considered to fully accord with these policies.

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Cllrs Chandler and Botterill re-entered the meeting.

D45. REQUEST TO DELETE CONDITION: 12/00418/FUL Glebe Farm, Main St, Saxelbye.

Additional Info from the applicant

1. Glebe farm has now had its first harvest and a lot (not all) of the expected traffic has been using the affected road without any problems.
2. The 0.5 mile section of highway in question already has two defined passing places and two modified farm gateways which are used as a passing places.
3. The largest section of road without a passing place is the first 241 metres heading from Glebe Farm towards the Asfordby bypass where the construction of a passing place (if required) is restricted because of the close proximity of the ditch and hedges.
4. An articulated milk tanker makes daily journeys into Saxelbye past Glebe Farm; the road into Saxelbye from Glebe Farm is narrower, has no designated passing places; it's approximately 600 metres before you reach the village and there is currently no objection, no restriction and no registered complaints.

Mr Wright was worried by comments that £38,000.00+vat was considered a small sum to pay for passing places in comparison with the proposed projects development costs. The relocation cost is strictly limited and involves the reuse of existing barns and equipment because of prohibitive costs. The business has suffered from a poor harvest making the development of the farm even harder to achieve.

**Additional Representation**

1. Relieved that conditions which would serve to mitigate the impacts the development would undoubtedly have on the local area.
2. The condition was not to unfairly "Tax" the applicant but to provide suitable safe driving conditions for all the other users of this gated road. The local

parish council (Grimston, Saxelbye and Shoby) stated they were happy on the understanding that the passing places were made adequate – We don't believe the Parish Council have met since then to discuss their view and to change it.

3. Concern that the Section 106 still needs to be put in place

### **Parish Council**

The Parish Council agree with the preferred route to and from Glebe Farm is down to Asfordby By-pass but did not expect any costs for improvements to the road to be at the applicant's expense. The Parish Council consider there are sufficient passing places so therefore support the relaxation of Condition 11.

A Member stated concerns that cyclists using this route would increasingly be affected due to this application.

Cllr Simpson is happy with the passing places currently available on the road and **proposed approval of the removal of the condition.**

Cllr Baguley **seconded the proposal to remove the condition** quoting chapter 28 from the National Planning Policy Framework.

Cllr Cumbers stated that the road is narrow at this point and stated that the applicant was previously happy with the conditions. **She proposed to leave the condition as stated in the original application permission.**

Cllr Gordon **seconded the proposal to leave the condition in place.**

A Member stated that the amount of traffic can only increase in the future causing issues for road users.

A vote was taken to retain the condition: 3 in favour, 5 against.

A vote was taken to withdraw the condition: 4 in favour, 3 against (Cllr Chandler, Cumbers and Gordon) and 2 abstentions (Cllr Botterill and Freer).

**DETERMINATION: to remove the previously imposed condition 11.**

### **D46. DEVELOPMENT CONTROL PERFORMANCE 2012/13 (QUARTER 2)**

Q2 performance has been good, particularly in relation to the major applications and the appeal record. With regards to the appeal decisions, it is considered that a few appear to be in conflict with the NPPF and are somewhat confusing, this has been highlighted within the report. Enforcement is slightly below target as are the householder applications. However, on the whole performance is considered to be good and the Officers should be commended for their efforts.

D47. URGENT BUSINESS

None.

The meeting commenced at 6:00 p.m. and closed at 9:15 p.m.

Chair