



MEETING OF THE  
PLANNING COMMITTEE

Civic Suite, Parkside

26 June 2014

PRESENT:

PM Chandler (Chair), J Simpson (Vice Chair), P Baguley,  
G Botterill, G Bush, P Cumbers, A Freer-Jones, E Holmes  
J Illingworth, MR Sheldon

Solicitor to the Council (VW), Head of Regulatory Services (JW)  
Planning Officer (DK), Administrative Assistants (SC and AS)

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The Chair stated that following the planning meeting held on January 30<sup>th</sup> a complaint was made to the Monitoring Officer relating to the way she had conducted herself at the site inspection and the meeting. The Chair responded to the issues but the complainant has asked for their complaint to remain on the table until the application is determined. She has taken independent legal advice which advised her not to take part in the resumed meeting and she explained that she will be following that advice. Cllr Simpson took over duties as Chair of the meeting.

D1. APOLOGIES FOR ABSENCE

None

D2. DECLARATIONS OF INTEREST

Cllr Holmes stated that she would not be taking part in the meeting. Reasons had been circulated in the press as to why she should declare an interest. The reasons being:

- having socialised with the Applicant on one occasion
- and a brief relationship some years ago between a relative of Cllr Holmes and a member of the Applicant's family.

Cllr Holmes declared an interest and left the room.

D3. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 13/00540/FUL  
**Applicant:** Mr Mark Barnes  
**Location:** Southfields 10 Church Lane Somerby LE14 2PS  
**Proposal:** **Erection of a 35 m to hub height (61 m to tip) single wind turbine generator with associated transformer, foundations, crane hard standing and upgraded access tracks**

- (a) The Planning Officer stated that:

The 'Update Report' conveys all new submissions received since decision on 30th January and goes on the comment on which aspects are new etc.

The main purpose of the report is to address the new material submitted since the application was considered in January and for the Committee to decide whether the new reinforces or alters the conclusions it reached then. As such it is the second of a 2 part exercise

'new' is in 3 broad categories:

- More people making the same points as those already made, such as the 'intrusion into the countryside' argument and in these cases we consider it has no bearing on the conclusions arrived at in January
- Some representations providing more information, or a different perspective, on point already made. In these cases the Cttee is invited to consider whether it changes your understanding of an issue and;
- Genuinely new – issues that had not been considered before.

The Officer's view is that none of the information detracts from the previous reasons for refusal and as such they remain the keystones of the recommendation. However I would draw your attention to the representations received relating to the facilities for riding for the disabled and impact on local business addressed on pages 4 and 6. These were issues previously raised, but more information has been supplied since January.

The main new area is the information on the potential health effects and you will see a considerable part of the report is dedicated to this. (from page 9 onwards). We have been supplied with a report from the child's family and the applicants' have responded by making both visual and noise assessments from his house. These in turn have been responded to by the family concerned – all this is included between pages 9 -14

The applicants have made a further representation on this issue as follows:

1. Dr Hanning is an independent specialist commissioned by the mother of child x to compile a medical report on her son. He is not child x's doctor or consultant.
2. Dr Hanning as not seen or spoken to child x but based his medical opinion on a conversation with his parents.

3. Dr Hanning's report is fundamentally flawed as it has not assessed the specific noise and visual impact of the proposed turbine and has instead relied on the following false assumptions:-

- He assumes that the turbine will be "clearly visible from the child's bedroom, the living room where Child A spends time and the garden." The visual assessment completed by the landscape consultants patently shows this to be incorrect.
- that the child will perceive the turbine as a spinning object with which he has a preoccupation. Again the visual assessment completed by the landscape consultants patently shows this to be incorrect
- He assumes that the turbine will emit low frequency noise which will be injurious to health. This is refuted by the noise consultant's report and many peer reviewed articles on turbines and low frequency noise.
- He assumes that the noise from the turbine will be above the maximum desirable limit of 32dB(A) when the noise consultant's report states that the absolute worst case scenario is 28.1 dB(A)

In response to this we would point out that :

- a) The parents have confirmed that even the partial view of the turbine will pose problems,
- b) concerned that their child will encounter it from other viewpoints not just their garden; and are concerned about these experiences and the effect of having to alter their routines
- c) There has been a misunderstanding about the noise level (the 32 dB referred to). This figure is what Dr Hanning considers is necessary for people who have no hearing problems. He is advising that the resident of concern here has hearing problems (i.e. is more sensitive) and cannot say that the 28 dB predicted will be safe

In conclusion, as I started, we consider that no new information has been supplied that detracts from the reasons for refusal that formed the recommendation. However, we consider the information on health affects is sufficient to add a 4th reason. If I can draw your attention to the precise wording of the reason – the emphasis being that an absence of harm hasn't been proven, rather than a strong assertion that it has.

(b) Mr Blakeborough, on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council reflected strong and widely expressed opposition to the application.
- New evidence had emerged regarding the adverse effects of wind turbines on local businesses.
- There was clear evidence in the form of a report from Dr Hanning that the wind turbine could be of potential harm to a child with Autism living in the village.
- The turbine would be clearly visible from the child's house and the

- Applicant's suggestion of fitting opaque glass would not ease the issue.
- The child in question was known to react negatively to noise from a wind turbine in Pickwell.
  - The child's freedom to play would be curtailed and the family forced to move.
  - Wind turbine applications had been refused due to their potential harm to children with Autism and there had been cases where families had to move house following the installation of wind turbines near their homes.
  - The Parish Council urged refusal of the application.

Cllr Freer-Jones queried Mr Blakeborough's claim that all children with Autism suffered adverse effects when in close proximity to wind turbines. Mr Blakeborough retracted the statement but highlighted that the child in question had reacted negatively to the wind turbine in Pickwell.

(c) Simon Potts, on behalf of the Objectors, was invited to speak and stated that:

1. New Government guidance on renewable energy reinforced the recommendation to refuse this application.
2. If the application was refused and the Applicant appealed Mr Potts would assist the community to urge the Planning Inspector to dismiss the appeal.
3. He considered there were grounds for a judicial review of the position reached in January.

(d) Mrs Jane Barnes, on behalf of the Applicant, was invited to speak and stated that:

As the first two speakers had been against the application Mrs Barnes queried why she was not allowed 6 minutes to speak. The Head of Regulatory Services clarified that:

- Requests to speak for more than 3 minutes should be received prior to the meeting. No request had been received from any party.
- Should a request to speak for 6 minutes be received and the request subsequently be approved, all speakers would then have the opportunity to speak for 6 minutes.
- In this case the first speaker spoke on behalf of the Parish Council, the second on behalf of the Objectors. They did not both represent the Objectors. Each speaker had received 3 minutes to speak.
- As the Parish Council and the Objectors had received 3 minutes each, so to would the speaker on behalf of the Applicant.

Mrs Barnes stated that:

- Mrs Barnes asked why the application had taken so long to consider.
- The situation had not changed since the proposal was presented to Members in January except for the addition of a report from Dr Hanning.

- Dr Hanning was a recognised opponent of wind turbines and much of the language in the report was from an anti wind turbine stance.
- The report was based on a telephone call with the child's parents only. Dr Hanning was not the child's regular doctor.
- Only the tip of the wind turbine blade could be seen from the child's bedroom.
- Guidance on the impact of turbines on sleep deprivation advised that noise levels should not exceed 32 decibels. The proposed wind turbine would emit a sound of only 28 decibels which was significantly lower than the recommendation.
- The turbine would be almost 1,000 m from the village which was more than the recommended distance.
- There had never been a turbine application turned down entirely on health grounds.
- Objectors concerned about the liberty and livelihood of young people in the village had not considered the impact of refusing the turbine on the Applicant's 17 year old son.

Cllr Cumbers referred to a Community Fund promised by the Applicant to Somerby Parish Council should the application be permitted. The Head of Regulatory Services commented that this was not a planning issue and so should not impact on the decision. Taking this on board Cllr Cumbers added that it would be a shame for the application to go through without the funding in place. Mrs Barnes confirmed the offer was still in place and was £2,000 per year.

(e) Cllr J Orson, on behalf of the Ward Councillor for the area, was invited to speak and stated that:

- A leaflet in this week's Melton Times had invited people to discover the beautiful countryside in Leicestershire. Cllr Orson asked Members to be consistent with previous decisions on wind turbine applications which had been refused due to the impact they would have on open countryside. The site in question was also surrounded by four conservation villages.
- The outcome of the Hindle Farm application had clarified ambiguities when considering applications for wind turbines.
- Cllr Orson raised a concern about the impact of the blades on insect life present in the ridge and furrow field beneath the turbine.
- DEFRA had never requested that a wind turbine be erected when asking for a reduction in carbon footprint.
- Cllr Orson referred to Dr Hanning's report and urged Members to listen to his advice.

Cllr Cumbers queried if the Consultant's report was based on experience of working with children with Autism or on experience of studying sleep derivation. This distinction made a big difference on the weight placed on the report.

The Head of Regulatory Services responded to the speakers and stated that:

- The Planning Officer's recommendation was based on the archaeological issues relating to the presence of ridge and furrow rather than the ecological issues.
- The outcome of the Hindle Farm application did not remove any question of designation but provided reassurance that decisions did not hang entirely on designation.
- Mrs Barnes had asked why the application had taken so long to consider. The Head of Regulatory Services described the events which had led up to the point of decision: the application originally came to Committee in January with an Officer's recommendation to approve, it then went out to advert at which point further evidence came to light, additional work was then undertaken at the Applicant's request, hence the length of time between application and decision.
- Dr Hanning's view was that 32 decibels was the desirable level of noise for people with perfect hearing. However, the key point in this case was that the individual's threshold for hearing was not known and that was why there was a risk.
- Mr Potts quoted recent guidance on renewable energy, the guidance was actually a redraft of guidance covered in the last report and its contents were therefore considered in January.
- The experiences of the child at Pickwell had not previously been conveyed to Melton Borough Council and so they were not in a position to comment on this matter.

Cllr Illingworth highlighted that there had been 3 reasons for refusal when the application came to Committee last time. Officer's had now added a 4<sup>th</sup> reason. The development was contrary to Policy OS2 of the Local Plan and against guidance in the NPPF. **Cllr Illingworth proposed refusal of the application.**

Cllr Freer-Jones had abstained from voting when the application had appeared before Members last time due to insufficient evidence. However, new evidence connected to the impact of turbines on people with Autism had come to light. Cllr Freer-Jones felt that the proposal to refuse must be supported. Although the argument to refuse relied on the perspective of the child's parents with regards to sensory overload it was important to listen to the parents on this occasion. **Cllr Freer-Jones seconded the proposal to refuse the application.**

The proposal to take a recorded vote was agreed by 3 Members. The results were as follows:

Cllr Baguley - abstained, having voted to approve the proposal last time Cllr Baguley felt unable to do so on this occasion due to the potential impact on the child with Autism.

Cllr Bush – voted against the proposal to refuse the application

Cllr Cumbers – voted against the proposal to refuse the application

Cllr Sheldon – voted in favour of the proposal to refuse the application  
Cllr Botterill - voted against the proposal to refuse the application  
Cllr Freer-Jones – voted in favour of the proposal to refuse the application  
Cllr Illingworth – voted in favour of the proposal to refuse the application  
Cllr Simpson – voted in favour of the proposal to refuse the application

4 voted to refuse the application, 3 voted to approve the application and 1 abstention

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

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**1. The proposed wind turbine would, by virtue of their height and movement, introduce a new element into this landscape that would be widely visible. This visibility and presence would exceed that of any existing local features by reason of the height, colour and movement of the proposed turbine. 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 development is contrary to the provisions of Policy OS2 of the adopted Melton Local Plan and the guidance offered in the NPPF. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**

**2. The proposal due to its size and close relationship to the ‘Leicestershire Round’ a flagship for the local rights of way network is considered to diminish the recreational amenity of the facility and countryside pursuit which is a popular destination with tourists, ramblers and the equestrian fraternity. The proposal is contrary to the objectives of sustainable development objectives of the NPPF.**

**3. Insufficient information has been provided to adequately address how the Ridge and Furrow would be preserved through construction of the access track. The proposal is considered to be contrary to the NPPF in relation to safeguarding heritage.**

**4. The proposed wind turbine would give rise to an unacceptable risk of harm to the health of a local resident. These impacts are not considered to be outweighed by the benefits of the proposal in terms of the generation of renewable energy.**

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D93. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 18:48pm