



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

18 December 2014

PRESENT:

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

Solicitor to the Council (HG), Head of Regulatory Services
Administrative Assistant (KS)

D67. APOLOGIES FOR ABSENCE

Cllr J Illingworth, Cllr M Sheldon and Cllr G Botterill

D68. DECLARATIONS OF INTEREST

Cllr Baguley declared an interest in 14/00859/COU and 14/00860/FUL,
Wilkinson Store, Nottingham Street, Melton Mowbray.

D69. MINUTES

Minutes of the meeting 27th November 2014

Approval of the Minutes was proposed by Cllr Baguley and seconded by Cllr
Bush.

The Committee voted in agreement. It was unanimously agreed that the
Chair sign them as a true record.

D70. SCHEDULE OF APPLICATIONS

- (1) **Reference:** 14/00441/FUL
Applicant: Agriinvest – Mr C Wesley
Location: Sandy Lane Poultry Farm, Sandy Lane, Melton Mowbray
Proposal: Amended description: Development of a poultry farm
(agricultural use) comprising seven poultry sheds, one
farm worker dwelling and associated landscaping,

drainage infrastructure and highways improvements

(a) The Head of Regulatory Services introduced the application and stated that:

Members and a local resident, Mr Hutchinson, have asked a number of questions regarding some details of the application and these are responded to as follows

1. How many HGV movements to and from will there be a year?
 - The Transport Assessment provides a worst case scenario based on an existing 300,000 bird farm which is similar in nature. This states there will be 117 HGV trips per cycle x 7 cycles per annum = 819 HGV trips per annum.
2. How many tonnes of food will be delivered a year.
 - 6071 tonnes of feed will be required per annum.
3. How many tonnes of Chicken excreta will need to be removed per year?
 - The weight of litter varies every crop dependant on conditions. This will range from 1159 tonnes per annum (assuming good litter conditions) – 1656 tonnes per annum (worst case).
 - Our client has had confirmation that at worst case, this is likely to be 110 HGV vehicles per annum.
4. How many passing bays in total will there be on Sandy Lane?
 - 2 passing bays already exist and there would be 5 additional new passing bays and minor widening works at the junction of Sandy Lane with the site access road and Sandy Lane / Dalby Road. No improvements are proposed to the north on Sandy Lane as this is a “no through” route for HGVs.
5. How long is the stretch of road from Dalby Road to the site entrance?
 - The length of Sandy Lane from Dalby Road to the site entrance is approx. 1.5km (1,490m).
6. How many birds will there be in each shed?
 - Sheds 1-6 will provide 36,880 birds per shed
 - Shed 7 is slightly larger and will provide 46,715 birds in this shed
 - This provides 267,995 birds in total
7. What is the size of the site in hectares and acres (not just the developed area)?
 - Approximately 3.9 ha / 9.6 acres
8. Where is the water/gas and electricity coming from?
 - LPG Gas is provided in the gas storage tanks marked on the site layout plan. Electric and water are will be provided through upgrades of the existing supplies already on site. The utilities companies will undertake those works.
9. Supervision of the site: if the manager is not there or on holiday there

is concern over the monitoring and welfare of the birds.

- In addition to the previous advice contained within my email dated 8.12.14 and just to reiterate there will be relief Farm Managers that take over the running of the farms during holiday periods.
- The applicant has confirmed they can provide a dedicated and contained en suite room available within the bungalow for the relief manager that needs to stay on site to cover holiday or illness.
- Also the farms are extremely modern now and can be monitored online through i-phones/ i-pads (through an App) or laptops, where all data is captured and provides details of how the farm is providing, temperature, humidity, bird weight etc. Alarm calls will be sent directly to the Farm Manager or the relief manager during holiday periods, as well as being sent to the online farm App.

1 additional letter to report: letter commenting that the site is in an appalling state and dangerous to children and action is required 'one way or another'.

Correspondence from the Parish Council in response to the report:

Parish Councillors strongly object to the statement below taken from page 27 of your report.

To state that Councillors have suggested that mechanical ventilation is questionable is nonsense. It seems that you have totally misunderstood the point made at the meeting with Councillors. The paragraph in your report is illogical and it would be nonsense to advocate it. This paragraph also undermines the Parish Council's position to anyone reading it. Clearly mechanical ventilation is necessary and our comments clearly referred to the effects of the ventilation system on odour concentrations.

The Head of regulatory Services displayed a slide showing the exact submission the PC had made and the extract from the report responding to it, and expressed his view that the content of the report was a reasonable summary and response but invited the Committee to draw its own conclusions.

Key issues:

Development in the countryside: Policy C3 is applicable and encourages development in the countryside but subject to a list of criteria – we will proceed to address the criteria issue by issue. C3 is considered to be largely compatible with the NPPF in that is positively worded. The NPPF says we should promote the development and diversification of agricultural and other land-based rural businesses;

Traffic (pages 4, 5, and 6): the proposed road improvements have been accepted by the HA and they have also advised on traffic flow. The flows concerned are minimal in the context of the general level of traffic (they calculated 0.1%)

Heritage Asset (SM adjacent); 2 aspects (11 -17):

Physical impact on the setting: the amended plans moved the sheds further from the SM boundary and allow for planting to screen it. The expert bodies

and Conservation Officer agree with this arrangement, so there is an obvious risk that we would be going against expert advice.

Odour impacting on setting: 'setting' is defined as the experience one has of a heritage asset's surroundings, so we are happy that odour is a legitimate concern as it will clearly influence such experience and falls under the consideration of 'setting'. The odour work clearly shows that the SM will experience odours at a higher level (i.e. objectionable, rather than noticeable) from time to time, and depending where (how close to the boundary) in the SM one visits so it is well supported by evidence. However we thought this has 2 weaknesses, which essentially is why we do not consider it sufficient to be a reason for refusal:

- i) The odours will be intermittent so there is an element of chance, or bad luck, whether a visitor would experience them
- ii) We have no evidence there are any visitors! (or if so very few)

Protected Species (pages 18 -22): the amendments meet with the satisfaction of our ecological advisors (see page 22).

Brownfield/Greenfield debate: pg 47 – land is considered to be brownfield because of existence of buildings on the site, albeit adapted to agricultural use from their earlier military use. This has a role to play because in the final balancing exercise it is a 'benefit', as opposed to a harm, and weighs in favour of the proposal. It is for the Committee to decide how much weight, alongside all the other issues.

Odour - amenity point of view: (8 – 10 and opposite the PC's comment from page 24) The odour emissions work shows that all residences would be in the 98%ile for acceptable levels of odour, meaning that they may be exposed to odours 2% of the year (or however you would prefer to express that by day or week). This we would have to argue 2% is too much so naturally the case is less than ideal, especially in context i.e. a rural community exposed to other forms of odour etc.

The odour work has been closely scrutinised and criticism but if these points are accepted (and they are not by our own EH team) it leads to a conclusion that the odour work should be set aside as 'untrustworthy' or similar. The difficulty that presents is that there is no alternative study so, having set it aside, we would have to consider the odour issue with no data/evidence to inform us – in other words simply speculation and conjecture, and, having dismissed the only evidence that we have, exposing us of not being able to support the reason with evidence (a criteria of 'unreasonable behaviour' & costs).

Conclusion: the current planning regime requires us to balance benefits against harm. The Conclusion on page 49 seeks to identify all the main issues and identify which are pros and which are cons, then to discuss this in terms of opposing weight. However, assigning weight is the preserve, indeed the duty, of the Committee. Hopefully you will agree with what are the main issues and those that are positive and negative, but the essence of this decision will be to balance these.

The Chair stated that the Parish Council had requested to speak for five minutes instead of three. A further request had been received from two

objectors requesting to share a five minute slot. Members were asked to suspend standing orders to allow this break from procedure.

Cllr Simpson proposed this and it was unanimously decided that this would be allowed.

The Chair stated that the Agent would be allowed to speak for five minutes, whilst the Council for the Protection of Rural England, Cllr Orson and Richard Jackson, a supporter, would have three minutes.

- (b) Mr Digby, from the Parish Council, was invited to speak and stated that:
- Officers relied on theoretical odour modelling to present their case on environmental impact.
 - The Environment Agency states the modelling of odour is still a developing field when compared to other pollutants, and exposure values are not used at receptors because they are almost impossible to measure.
 - Odour emission factors are based on limited data and therefore imprecise.
 - Given the wide range of factors that can affect odour omissions and the difficulty in controlling them, it is good practice to consider the impact of worst case situation rather than use average figures.
 - The applicant has not used worst case scenario.
 - Two Environmental Health Officers recommended approval in the last 12 months and the advice was accepted.
 - The first stated, "I recommend the findings of the ADAS report are taken at face value. I do not have information, or knowledge, or expertise which would repudiate the findings." This recommendation was later retracted due to misleading information in the ADAS report.
 - Another Environmental Health Officer stated that the ADAS explanation justifies the omission rate but did not have the resources to delve into the quantitative research.
 - Two Environmental Health Officers stated that they had no information, knowledge or expertise, but they still recommended approval which was accepted.
 - According to the Officer's report, Environmental Health broadly accepts the ADAS report
 - The specialist planning officer for the Environment Agency warned the Officer and the applicant that the site is close and upwind to Burton Lazars and may cause odour complaints, but this was dismissed on the basis it used the word "may".
 - It was stated there would be odour problems downwind of the village that would have to be dealt with via the permit process, and that the permit does not ensure that odour will be eliminated.
 - The Environmental Health Officer agreed with this.
 - The permit would be used to control pollution but permit conditions state that if appropriate measures are being used residual odour will have to be tolerated by the community.
 - The agency's primary guidance documentation states that site odorous

activities away from neighbours, making sure that odour sources are not upwind of houses.

- The 1995 Town and Country Order says that new development should not be within 400metres of sensitive properties.
- The integrated Pollution Prevention and Control guidance states that odour sources should not be upwind of houses.
- Local Policy C3 states that it is important units are well away from residential areas.
- The Applicant stated that they would not want the operation next to their village.
- The Conditions proposed at 20 and 37 are not only impossible to enforce but they clash with the environmental permit and specific agency guidance which states “Do not focus on controlling pollution when a permit is in force”.
- The proposal would produce approaching 7000 tonnes of chicken excrement each year, 4000 of which would evaporate directly onto Burton Lazars.

The Head of Regulatory Services sought clarification whether the Parish Council’s view was that the odour modelling report submitted by the Applicant could not be relied upon and should be disregarded

Mr Digby confirmed this and stated that there had not been an Environment Agency Officer who had not said that they consider it within reason but it was not guaranteed.

Cllr Freer-Jones wanted clarifications on which conditions had been referred to.

Mr Digby stated that it was Conditions 20 and 37. Condition 37 was specified because the ADAS report appendices says that the sheds should not be cleaned out at night, at weekends, on Bank Holidays and when the wind is blowing in the direction. This is not commercial.

Cllr Simpson asked if the issue of dust or noise had been taken into account in any of the reports by the Applicant.

Mr Digby stated that they had seen nothing. The issue of noise had been discussed BS4142 had been specified, however if this was to be applied background work would need to be carried out. In three years, apart from Mr Scutter, not one valid objection has been accepted. The dust and the noise is an issue as there are many residents in the village with chest and lung diseases, as well as elderly residents.

(c) Two objectors, Ian Pengelly and Cynthia Rowbotham, were invited to speak and Mr Pengelly stated that:

- The application was obnoxious and would seriously degrade the facilities at the village hall and the environment of the area.
- The increased smell, noise, dirt and flies from the poultry farm which would be directly upwind from the village hall.
- The village hall is a vital community facility which is in use every day of the week.

- Over 10,000 people using the hall every year.
- Apart from the Parish Church, the village hall is the only community building in the village.
- Nearly £100,000 has been spent on improving facilities at the hall, over 35% of which is on the outside areas.
- The proposal would make it impossible to use the gardens and patio area.
- The Applicant's second submission states that "People will only use the hall intermittently and there is no external amenity space related to the hall. As such, this receptor should not be considered as sensitive as a residential receptor." This is untrue.
- The site needs to be developed and there are no objections against any proposal to improve the area or against chicken farms as such.
- There would be no objections to any other commercial development which did not threaten the wellbeing of the community.

Ms Rowbotham stated that:

- There are six households behind Burton Hall and 18 households in the hall itself, the existence of which has been consistently ignored by the Applicant. They are not shown on the planning map or considered in the odour omissions calculations.
- This means that all rights enshrined in the National Planning Policy have been denied and sacrificed on the altar of economic benefits.
- These benefits do not apply to the residents of Burton Lazars, the village hall, the migrant workers or the businesses of Melton Mowbray, whose employees and customers will be sitting in the often gridlocked town centre behind on average 35 extra HGV vehicles a week, which would be carrying thousands of tonnes of manure.

Cllr Holmes asked if the manure would be taken away from the site in the direction of Melton or Old Dalby.

Ms Rowbotham confirmed that it would go through Melton town centre.

- (d) A supporter, Richard Jackson, was invited to speak and stated that:
- There were no complaints about the previous chicken farm.
 - A chicken farm which was constructed less than a quarter away from Queensway estate and there has been not one complaint about odour.
 - The site is dangerous and needs to be developed.
- (e) The Agent, Maria Boyce and her colleague Steve Pearson, were invited to speak and stated that:
- Officers have recommended conditional approval for the proposed poultry farm and there are no planning reasons to justify a refusal.
 - There is a need to meet an existing market demand for UK sourced high welfare poultry.
 - There has been a lack of investment in this sector over the last decade.
 - The site is unusable in its current form. There are derelict buildings; it has been blighted by illegal tipping, anti-social behaviour, arson attacks

and squatters in recent years.

- The site is a Brownfield site and is an appropriate agricultural use within the countryside and is consistent with the Melton Local Plan, as well as being in line with the NPPF.
- The site was formerly an operational poultry farm.
- The scheme has been amended significantly with advice taken from the statutory consultees.
- There has been a reduction in built form by over 3000 square metres, which is about 20% of the overall built footprint.
- The main issues in determining its suitability lies with the technical issues, specifically odour but refusal should only follow if the harm significantly and demonstrably outweighs the benefits.
- In addition to the benefits of bringing the site back into use, the development proposes a number of improvements to safeguard and enhance the surrounding area.
- There will be an improvement to highways and transport, including the five new lay-bys.
- There will be a legal agreement to ensure the HGV route avoids Great Dalby.
- Improved ecology enhancements to the site, safeguarding the Great Crested Newt and providing new breeding habitat for them.
- The design of the buildings onsite is typical to those associated with agricultural buildings found in the countryside.
- The landscape strategy has been carefully thought out, with the proposal of a 20m deep landscape buffer on the eastern boundary, meaning there will be minimal visual impact.
- There are no formal objections received from the Highways Authority, Environment Agency, English Heritage, Ecology and the Environmental Health Officer.

Steve Pearson stated that:

- The odour assessment carried out has been a realistic and robust assessment.
- The predicted impacts are well within the range of odours benchmarks that have been accepted by planners, regulators and by planning inspectors.
- The methods used, including the 98th% aises, have been accepted by numerous planning authorities for similar applications.
- They have also been tested by planning inspectors.
- The predicted impacts comply with the Environment Agency's odour unit impact standard.

The Chair stated that she was perplexed that there would be seven crops a year and the sheds would be cleaned out every seven weeks. She asked if the sheds would be cleaned out one day and the chicks would go in the next.

Ms Boyce stated that the cleaning out would happen in week six to allow another week before being restocked.

The Chair referred to page 13, which said there would be seven crops a year and would be cleaned out at 49 days.

Mr Pearson stated that the sheds would have to be cleaned out on day 49 otherwise they would not have a chance to get dry.

Cllr Holmes asked if the birds have a setback does it mean that they would be sold not ready. She also asked for clarification on Great Dalby, and if the village was to be avoided she was concerned about where the manure would be taken, and if it would be in an enclosed lorry.

Ms Boyce confirmed that it would be in enclosed containers within lorries that would be directed through Melton. She stated that the Highways Authority had no objections and they had liaised with each other to create a package of mitigation measures.

The Chair stated that Highways had agreed to do some uplifting of the junctions and road, which the previous application hadn't included.

Cllr Simpson asked about the 20m deep buffer.

Ms Boyce stated that the existing mature tree planting would be retained and approximately 10-15m of additional tree planting would be provided along the boundary to ensure that the visual impact on the scheduled ancient monument would be minimised.

Cllr Simpson stated that the Ecology report suggested that a bund is not necessarily the right thing to ensure the foraging of the Great Crested Newts around the site is applicable.

Ms Boyce stated that there is a bund located to the north of shed 7 and the ecologist had been liaised with in order to create two smaller ponds on the eastern boundary interspersed with tree planting to provide the optimum habitat.

Cllr Freer-Jones stated that there was no evidence to suggest the odour report had been accepted and tested by planning inspectors,

Mr Pearson stated that planning inspectors' decisions had been referred to in the assessment report.

Cllr Simpson was concerned about the noise from the HGV's if the chickens were rounded up at night, and asked if an assessment on this had been considered, with the proximity of the scheduled monument as it was a receptor and its protection must have the greatest weight. She was concerned that there was nothing to look at the noise or the dust on. She asked how the properties close to the site would be guarded from noise through the night.

Ms Boyce stated that this was not something that had been formally assessed or flagged as an issue. In terms of the scheduled ancient monument, noise and potentially dust significance on its setting could only be diminished if there were people there to experience the setting.

Cllr Cumbers asked if the similar sites the Agent had experience with were usually as near to villages like Burton Lazars or any that had been adjacent to a scheduled ancient monument.

Mr Pearson stated that the proposals that go to Appeal were the ones with houses nearby. In terms of scheduled monuments, there was no experience that came to mind. Potential receptors are usually considered where they are occupied, i.e. where people live and where people work is a constant, human receptor.

- (f) Cllr Orson was invited to speak and stated that:
- “The Sysonby Smell” came from a farm outside Melton, just off Bartholomew Way in Sysonby Ward twelve years ago from an intensive pig farm.
 - There were many complaints and petitions surrounding it.
 - It ended when Melton Borough Council took the pig farm owners to court.
 - The proposal for the poultry farm is to the south west of Craven Ward, Warwick Ward and Burton Lazars.
 - When the pig farm was in operation, the windows of houses in Sysonby Ward were shut and people could not enjoy their gardens.
- (g) Beth Johnson from the Council for the Protection of Rural England was invited to speak and stated that:
- The proposal shares a boundary with an ancient monument.
 - Paragraph 132 of the NPPF states that: “When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation.” That is the significance, not its physical properties, its meaning in terms of its historical contribution.
 - The monument itself is the receptor, not visitors to the monument or the humans who receive smell, dust, odour and visual impact.
 - The NPPF also states that significance can be harmed or lost by development within its setting, even if the setting of the monument contains derelict buildings.
 - The setting contains a wealth of historic assets. Sandy Lane and Kirby Lane are listed in the Leicestershire historical environment record.
 - Field walkers in the area have found hundreds of artefacts above the surface.
 - The site links with lots of other archaeological sites in the borough.
 - Consider not just the ancient monument but the whole landscape, which is the area of separation between Burton Lazars and the edge of Melton Mowbray that will begin to be eroded by development.
 - The area is a fantastic amenity for leisure and recreation for families, runners and walkers.

Cllr Bush asked if Sandy Lane used to be called the King’s Highway.

Ms Johnson confirmed this and stated that Kirby Lane is part of a Roman Road which goes from Leicester across to Rutland and links to a large Roman site near Kirby Bellars.

The Head of Regulatory Services stated that odour modelling is the course recommended by the Environment Agency, and the methodology that has been followed is also recommended by the Environment Agency.

The Head of Regulatory Services responded to points raised by the Parish Council and stated that:

- Not interrogating the empirical data on which omissions are calculated is normal.
- In terms of the Environmental Health advice, for 2% of the time there will be a smell and complaints may be generated by that.
- There is an overlap between the conditions and permit. Conditions would be necessary if the proposal was to go ahead under the planning regime, as well as the Environment Agency's controls, because so much of the odour controls depends on the good management of the site in the use of the fans, disposal methodology, the way the wind is blowing, time of year and time of day. This drives the acceptability of the use of the site.
- In terms of enforceability, the wording of Condition 37 came from the Applicant's themselves.
- The Parish Council suggested that if the proposal was accepted, Paragraph 134 of the NPPF would be obsolete because there would be an impact through odour on the scheduled monument. However, Paragraph 134 says that where the setting of an asset is affected adversely, the harm should be weighed against the public benefit, not that there should be no harm. The conclusion of the report lists all the harms and balances them against the benefits.
- Condition BS4142 was suggested because the noise characteristics of the machinery have been calculated that it would not cause a nuisance to the closest dwellings but a safeguard, BS4142 was proposed so that if it was wrong the Authority has the power to intervene.

The Head of Regulatory Services responded to points raised by Mr Pengelly and Ms Rowbotham by referring to the odour modelling map, and stated that:

- The odour modelling produced a map of where the smell will be. The white area is where there will be no smell at all, the light shade of blue is where there will be odour but it would be to the standard of being only detectable, the slightly darker blue is where it may become offensive and the inner, the darkest blue, is where it is objectionable.
- The village hall is in the white zone which means that it will not receive smell frequently.
- All residencies fall within the white and the lighter blue areas of the diagram so will not be affected by the smell, or it will be barely perceptible.
- However, this is the 98% level of certainty. None of this affects the other 2% where there can be smells.

The Head of Regulatory Services responded to Cllr Orson and stated that:

- The concerns about odour and Cllr Orson's experience with the pig farm were understood, however anecdotes about previous sites does not help

the decision.

- If the main concern and potential reason for refusal is the smell, it needs to be proved rather than referenced.

The Head of Regulatory Services stated that if the odour modelling was disregarded, there would be no information on odour. The duties in decision making in the context of refusal is to provide “sound and clear cut reasons for refusal”. However, with no information, if the odour modelling has been disregarded, these conclusions cannot be reached.

The Head of Regulatory Services responded to Ms Johnson and stated that in terms of the use of the lanes for leisure, County Council have advised that with the package of highway improvements proposed, vehicles and other users of the lane such as walkers can satisfactorily co-exist.

Cllr Simpson mentioned the weight put on the status of a Brownfield site, and noted that on page 47 of the report the NPPF stated that it is “classed as land which is or was occupied by permanent structure including the curtilage of the developed land although it should not be assumed that the whole of the curtilage should be developed. This excludes land that is or has been occupied by agricultural or forestry buildings.” She stated that there was a problem here that the undesignated historic buildings of the Nissan Huts that were built around World War I and their last use was in World War II for the homes of Polish people. The last use was the agricultural and forestry buildings and the NPPF states that this is excluded from the classification of Brownfield; therefore it is not right as it stands as a Brownfield site. However, it also says “land that was previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape in the process of time”, which is also excluded from the definition of Brownfield. She stated that the site contained some pathways, tarmac, gravelled drives and concrete on the floor of the buildings but the buildings do not take up the whole 10 acres of the site, therefore if it is questioned to be Brownfield, the Conservation Officer said that it was and it was regrettable that they had to be taken down as the land is sensitive because it rebuts a scheduled monument.

The Head of Regulatory Services stated that the definition suggests it is Brownfield if it contains buildings that were not agricultural buildings; on the other hand the land was also used for agriculture.

Cllr Simpson was concerned about the traffic. She stated that she was not content with the amount of coming and going of the HGVs, and the taking away of the dirty water by tankers, which would be eight tanker movements in addition to the HGVs, per crop. The area for coming out of the site is not designated for use of vehicles as it is a single track road which would not be adequate. She stated that the B-Road this joins onto had been the site of three fatalities of people riding bikes close to the junction. She was concerned that this had not been looked into enough with the increase of HGVs to say this would be safe. It is also fact that the HGVs would go through Melton town centre.

Cllr Simpson proposed to refuse the application on the grounds that the development by virtue of the scale of the buildings and their proximity would result in substantial harm to the setting of the adjacent scheduled monument and

therefore its significance. This harm would significantly and demonstrably outweigh the public benefit of the scheme in terms of economic development and the reuse of a derelict site and would therefore be contrary to the advice contained in the NPPF Paragraph 134. The omission of odour would result in an adverse impact on local residences and would be contrary to Policy OS1, BE1 and C3 of the Local Plan and the NPPF section 11 which seeks to prevent new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable pollution including odour pollution.

Cllr Cumbers seconded the proposal for the reasons given. She stated that the main benefit is the economic growth that the proposal will deliver. The NPPF states that significant weight should be placed on the need to support economic growth and prosperity; however jobs created by the proposal are likely to be part time, non-permanent, low skilled, poorly paid and probably supported by the tax payer. The Brownfield site contains buildings of significant importance to local people, particularly the Polish community, and if the proposal is accepted, those buildings will be destroyed. In terms of odour, the problem is the smell that will be caused by manure and urine by nearly 300,000 birds. Although it appears for a lot of the time the odour might not be a problem, it is accepted that for 2% of the time odour is possible and annoyance is likely for residential receptors. There would be additional omissions at the end of the cycle caused by the cleaning out process. The scheduled monument will be affected by odour and dust.

Cllr Holmes asked if the manure going through the town would be in enclosed containers.

The Head of Regulatory Services stated that the fluids would go to a disposal facility in enclosed tankers via a fixed route. The droppings would also go via a fixed route on Dalby Road, then onto where the clients are as they will be sold.

Cllr Freer-Jones asked about the Highways' study that would feed into the Local Plan, and wanted to know if there was an extensive traffic movement, how that would marry up with the existing plan.

The Head of Regulatory Services stated that anything new would be able to be layered on, with an addition of 0.1% of traffic, which is insignificant to any congestion.

Cllr Freer-Jones suggested that with Sandy Lane being a quiet area, an additional four to five HGVs on average using it would add more than .1% additional traffic to that area.

Cllr Bush stated that the site was not the right site for a poultry farm. He suggested that the residents liaise with the owners to find a way to develop the site in a way that would be acceptable by all.

A vote was taken: 6 Members voted in favour of refusal for the application and there was 1 abstention.

DETERMINATION: Refused, for the following reasons:

1. The proposed development, by virtue of the scale of the buildings proposed and their proximity would result in less than substantial harm to the setting of the adjacent Scheduled Monument and therefore its significance. This harm would not be outweighed by the public benefit of the scheme in terms of economic development and the re-use of a derelict site, and would therefore be contrary to the advice contained within the NPPF paras 132 and 134.

2. The proposed development, by virtue of the emission of odour would result in less than substantial harm to the setting of the adjacent Scheduled Monument and therefore its significance. This harm would not be outweighed by the public benefit of the scheme in terms of economic development and the re-use of a derelict site, and would therefore be contrary to the advice contained within the NPPF paras 132 and 134.

3. The proposed development, by virtue of the emission of odour would result in an adverse impact on local residences and would therefore be contrary to Policy OS1 and BE1 of the adopted Local Plan and the NPPF section 11 which seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable pollution, including odour pollution. These impacts are not considered to be outweighed by the benefits of the scheme accruing from limited economic development and the re-use of a derelict site.

(2) **Reference:** 14/00859/COU
 Applicant: D and A (2149) Limited
 Location: Wilkinson Store, Nottingham Street, Melton Mowbray
 Proposal: Change of Use from A1 (retail) to A3 (restaurant)

Cllr Baguley left the meeting at 8.54pm.

The meeting was adjourned at 8.53pm and reconvened at 8.58pm.

The Chair proposed to discuss application 14/00859/COU together with 14/00860/FUL. It was unanimously agreed that this would be allowed.

a) The Head of Regulatory Services stated that:

One additional letter of representation from our Town Centre Manager: This premises, currently leased by Wilkinson is a prime key attractor and A1 retail unit on Nottingham Street. It is also a key retail anchor and footfall draw for Nottingham Street and the town centre. The change of use planning application and the proposal to split the unit into 2 units, with an A1 and A3 split is a cause for concern. It will reduce the size of a prime A1 retail unit on Nottingham Street, which currently includes primary retail frontages such as M&Co, Ryman, Argos etc. There is also

the increased risk of the relocation and potential loss of this key attractor in the town centre, when the town centre has already seen the closure of a number of nationals such as Blockbuster, Game Station, Bon Marche etc.

He advised that, as per the content of the report, policy does not address subdivision and in any event this could take place without permission if there was no change of use involved. The case officer has spoken to the property owner today and was advised that this application is being made to allow options should Wilkinson's leave, not as a way of encouraging them to.

b) An objector, Mark Hallam, was invited to speak and stated that:

- It would be detrimental to the economic prosperity within the area of the proposed change and the town generally.
- The reduction in A1 size would likely mean Wilkinson's would look at removing themselves from their current site.
- Due to a lack of large retail units in the town centre it would be safe to assume Wilkinson's would cease to trade in the Melton.
- As stated in the NPPF, "Local authorities should recognise town centres as being the heart of their community and pursue policies to support their vitality and promote town centres that provide customer choice in terms of a diverse retail offer." The removal of the current unit would go against this.
- The proposed sub-division and change of use would also be contrary to the NPPF as customer choice would be removed by the removal of Wilkinson's.
- The town already has a large number of restaurants and cafés.
- The loss of Wilkinson's would encourage a further fragment of the town's much needed retail centre and would go against the findings as outlined in the Melton Mowbray Master Plan 2007, paragraphs 2.24 and 2.25.
- There is a lack of large retail units in the town centre, which are more attractive to national retailers, thus reducing the loss of shoppers to Leicester and Nottingham.
- The argument that creating two smaller units would create opportunity for increased customer choice is ludicrous as the town currently has many vacant small units already.
- There are currently 35 food and drink premises, 17 of which could be classed as restaurants.
- The proposal could be the cause of unemployment due to job losses.
- A small café bistro has recently been opened next door to the premises, and this proposal would impact on this business.

Cllr Simpson stated that essentially there was no great change to the front of the building but there is going to be alterations to the back and noted that the premises next door had an outdoor seating area and wanted to know how this proposal would affect that area.

Mr Hallam stated that it would not affect the premises in terms of the outdoor area as there is walling around the area, however it would impact on the business as

another restaurant opening next door would be very damaging. There are a number of businesses in the town which already cater for the restaurant trade and opening another would not be beneficial. The town would suffer with the loss of Wilkinson's.

Cllr Cumbers stated that the application seemed to be speculative and the landlord seemed to be attempting to rearrange the town centre. She stated that she could not understand why the landlord wanted to change the use.

The Head of Regulatory Services stated that the reason for the application was that should the unit become available it could be re-let as one unit, or as two small units one of which would be a restaurant.

Cllr Holmes stated that Wilkinson's is a viable shop and more charity shops and restaurants were not needed.

Cllr Holmes proposed to refuse the applications due to wanting to keep a viable town.

The Head of Regulatory Services advised against opposing the application on the premise that the unit is to be divided into two, as this could be done without the need for permission. He stated that sub-division and brands could not be controlled by the Planning Authority.

Cllr Freer-Jones seconded the proposal and stated that with reference to Paragraph 131: Conserving and Enhancing the Historic Environment, by adding another restaurant would not add desirability or make a positive contribution to the local character distinctiveness, nor would it give weight to the significance of a heritage asset's conservation. She stated that the larger units are needed as there is a lack of them, and whilst it is nice to have a choice of places to eat, there is now sufficient diversity. Paragraph 137 states that "planning authorities should look at opportunities for new developments" but this is not a new development.

Cllr Simpson was concerned that it would have an effect on the amenity of the property next door and **proposed to defer the application** in order to have another site visit to see the amenities at the back that would be affected and to look at the impact the changing and taking out of the lift would have on the surrounding area.

Cllr Cumbers stated that she was not sure what would be gained from a deferment.

The Chair stated that she could not support a deferment and felt a decision had to be made.

Cllr Simpson withdrew her proposal to defer.

Cllr Bush was concerned with how much weight the refusal would carry as competition was not a reason to refuse.

Cllr Cumbers stated that she was unhappy as if permission was given for the restaurant; there was nothing to confirm it would become a restaurant. She hoped that the Local Plan would introduce more control about the mix in the town centre.

Cllr Simpson referred to the application at Scalford Brickyard and stated that it had been refused and went to Appeal, and the Inspector's Statement said that the proposal would have an effect on a neighbouring business and this was one of the reasons that were giving weight to a refusal.

Cllr Cumbers suggested there could be a deferral for a consideration of legalities of operatives rather than deferral for a site visit.

Cllr Holmes stated that Wilkinson's is viable and if the unit was made into something else, it is not known if it would be viable. She stated that the Committee wanted to see the town as viable.

The Head of Regulatory Services stated that these motives were in line with the NPPF. Restaurants are not attractive enough to bring people in to the town. He suggested that the proposal would not attract footfall, particularly in the day and it would therefore detract from the vitality of the town centre.

Cllr Freer-Jones stated that application 14/00860/FUL says that considering the main issues relating to the proposal is the visual impact and the impact on the amenities of neighbouring properties.

The Head of Regulatory Services stated that Environmental Health advised that they were happy with this subject to the conditions they suggested.

The Chair proposed to discuss application 14/00859/COU alone.

Cllr Holmes proposed to refuse the application on the grounds that the proposal would detract from the vitality of the town centre.

A vote was taken and it was unanimously decided that the application should be refused.

DETERMINATION: Refused, for the following reasons:

The proposed development would introduce a further A3 use in an area of prime retail frontage at the expense of an A1 retail use. This would result in the loss of a use that encourages activity and footfall into the town centre particularly during daytime hours, and would therefore detract from the vitality of the Town Centre and would be contrary to the objectives of the NPPF (part 2 : 'Ensuring the vitality of Town Centres')

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- (3) **Reference:** 14/00860/FUL
 Applicant: D and A (2149) Limited
 Location: Wilkinson Store, Nottingham Road, Melton Mowbray
 Proposal: Proposed Shop front alterations, demolition of lift shaft and first floor lift motor room and erection of first floor link corridor, all to reinstate two separate retail units.

a) The Head of Regulatory Services described the application and advised that there were no updates to report.

Cllr Cumbers asked that although there will be two shops instead of one, would they have a separate first floor or would the first floor be converted to one dwelling. She was concerned that if the upstairs was shop, it would go against the DDA that there should be a lift.

The Head of Regulatory Services advised that the first floor would be a store associated with the ground floor.

Cllr Cumbers was concerned that people with mobility issues working for or visiting the shop would not be able to use the first floor.

The Head of Regulatory Services stated that there was an internal lift.

Cllr Simpson proposed to defer the application until there was further information to make an informed decision.

Cllr Freer-Jones seconded the proposal.

A vote was taken and it was unanimously decided that the application should be deferred.

DETERMINATION: Deferred, in order to obtain more information on the proposed use of the upper floor.

- (4) **Reference:** 14/00848/VAC
 Applicant: Mr I Hardwick
 Location: 23A Middle Lane, Nether Broughton
 Proposal: Variation to Condition 3- To increase part of the wall from 1.5 mtrs to 1.8mtrs as indicated on drawing numbered 6562P-2113/00678/REM - application 10/00624/EXT

a) The Head of Regulatory Services described the application.

b) Cllr Orson was invited to speak and stated that:

- There were problems with the site at the beginning.
- Neighbours can see into the house.
- The original application was for a 1.5m wall, the developers put it to 1.8m and the applicant has been asked to reduce the wall.
- The present wall detracts from the street scene.
- The original condition of 1.5m should remain.

Cllr Simpson proposed to approve the application as per the officer's recommendation.

Cllr Holmes seconded the proposal.

The Chair thought that the wall should be built at 1.5m as originally said.

Cllr Simpson stated that she was content with the proposal because looking across the road the windows could be seen into and lowering the wall would allow people to see into the main rooms, therefore privacy would be taken away.

Cllr Freer-Jones proposed to refuse the application and stated that the wall should be as the original plan stated at 1.5m.

Cllr Holmes withdrew her seconding of the proposal to approve and **seconded the proposal to refuse**.

A vote was taken and 5 Members voted in favour of the proposal to refuse and there was 1 abstention.

DETERMINATION: Refused, for the following reason:

The proposed wall, by virtue of its height and absence of architectural interest, would represent a harsh urban feature in a prominent location in the street scene. It would therefore be out of character with and unsympathetic to its surroundings and contrary to policy BE1 of the adopted Melton Local Plan and Part 7 of the NPPF ('Requiring Good Design').

D71. URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 8.33 pm