

Minutes

Meeting name	Planning Committee
Date	Thursday, 18 October 2018
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor J. Illingworth (Chair)

Councillors

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Cumbers
P. Faulkner	M. Glancy
T. Greenow	E. Holmes
B. Rhodes	

Observers

Officers

Solicitor To The Council (RP)
 Assistant Director for Strategic Planning and Regulatory Services
 Development Manager (LP)
 Planning Officer (GBA)
 Administrative Assistant (JD)

Minute No.	Minute
PL43	<p>Apologies for Absence Cllr Bains sent his apologies.</p>
PL44	<p>Minutes Minutes of the meeting held 27th September 2018.</p> <p>Approval of the minutes was proposed by Cllr Holmes.</p> <p>It was unanimously agreed by the members present at the meeting that The Chair sign them as a true record.</p>
PL45	<p>Declarations of Interest The Chair spoke on behalf of Cllr Orson, and wished to point out that in Cllr Orson's private capacity as Mr. J Orson; he had two applications on the agenda. The applications made are as Mr. J Orson, citizen. Not Cllr Orson. He would therefore be unable to speak in his role as Ward Cllr, as he had a direct pecuniary interest in both.</p> <p>A Cllr queried whether the only reason the applications appeared on the agenda was because it was one belonging to a Cllr, and asked would it not have come up anyway?</p> <p>The Chair responded, not necessarily. But the trigger was because he is a member of the Authority.</p>
PL46	<p>Schedule of Applications</p>
PL46.1	<p>18/00040/FUL</p> <p>Applicant: Sunrise Poultry Farms Ltd - Phillip Crawley.</p> <p>Location: Fields 9820 7800 And 0005, Melton Road, Ab Kettleby.</p> <p>Proposal: Erection of free range egg laying unit including site access and associated works.</p> <p>Before the application was introduced, The Chair put it to Members that the Applicant has the opportunity to speak. He informed them that there would be one objector speak and suggested it may be inconsiderate not to suspend standing orders to allow a balanced presentation.</p> <p>Cllr Holmes proposed to permit the Applicant to speak.</p> <p>Cllr Greenow seconded the proposal.</p> <p>A vote was taken. The members voted unanimously to suspend standing order to allow the Applicant to speak.</p>

(a) The Development Manager (LP) stated that:

The application is a full planning application for the erection of a free range egg laying unit including site access and associated works. The building would be rectangular with a length of 140 metres and width of 20 metres, the height to the eaves is 3.6 metres and to the ridge is 6.3 metres. The proposal includes feed storage hoppers with a height of 7.6 metres; areas of hardstanding and a new access from the A606 Nottingham to Melton Road which would in turn close the existing gated agricultural accesses.

It is considered that the proposal is in line with both local and national policy and would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality.

As such the proposal is recommended for approval subject to conditions as set out in the report.

The Chair elaborated upon a request for additional information regarding floor levels, submitted at the Site Visit. He pointed out that there is no significant cutting in other than to achieve levelness.

(b) Mrs Ann Williams, an Objector was invited to speak and stated that:

- It is not an appropriate site for an intensive free range chicken farm.
- Agricultural building, much bigger than others in the area.
- Smells, noise and vermin will blight the amenities of residential properties.
- Site is close to a family home.
- Risk of disease entering site via pedestrians using the nearby public footpath.
- Site is large enough for 40,000 birds. There is no assurance numbers may increase to this.
- Light pollution.
- Risk of pollution to nearby brook, therefore harmful to wildlife.
- Will be harmful to appearance of rural setting of a conservation village.
- No ecological impact statement.
- Predator proof fencing will prevent free movement of wildlife.
- Harmful landscape, views, amenities and biodiversity. This is in contrary to up to date policies.
- Contrary to NPPF Chapter 15, items 170,174,175,180.
- Contrary to Melton Local Plan, EN3a page 46 with specific mention of this locality and policy EN2 104, 105 (b), (f), (i), (k), (l).
- Contrary to Ab Kettleby Draft Neighbourhood Plan Fig.6 Policy BE2 c,g,h – Policy T2, Policy env8, number 8, Fig.18. Policy env 5, fig.12.
- False information given on questions 6 and 12 of application.

- Disagreed with Officer's report. Not enough attention to the effect upon people and ecology.
- 39 objections. No supporters.

A Cllr questioned how Mrs Williams determined that this was an intense business.

Mrs Williams stated 40,000 plus birds is classed as intensive farming, and the land is big enough for this. So may grow to this in the future.

(c) Phillip Crawley, the Applicant was invited to speak and stated that:

- This is a family run business with very dedicated team members.
- The business strives to produce eggs in the correct manner and be as environmentally friendly as possible.
- Buildings will blend in with the landscape, materials and colours have been chosen specifically to aid this.
- Substantial tree planting, with species mix TBC. 5 % additional planting on site, with rapid growth species chosen. This will help to blend and screen the building.
- Site is at least 300m from public road. Only gable end will be visible until trees can provide screening.
- Multi tier construction which will support removal of manure twice per week to prevent fly nuisance.
- Nearest residential properties approx. 360m away from site so far away enough to not create noise or dust nuisance.
- Best available technology will be used to prevent noise and pests. Own site monitor who will assess every 2-3 weeks to ensure all pests are under control.
- There is growth in the demand for free range eggs.

A Cllr asked that if there was 1 full-time and 1 part-time worker. Did that mean there would sometimes be nobody there?

Mr Crawley explained that standard staffing hours were normally 7am-5pm. The site would operate 7 days so part time staff were needed to work the hours a full timer cannot.

A Cllr made reference to Mrs Williams' concern about perimeter fencing. He questioned whether pedestrians would be able to enter the site.

Mr Crawley stated that they would not be blanking off any public footpaths. He explained that 1.2m fencing is not favoured, and instead 6ft deer netting would be used.

A Cllr asked if pedestrians could have access to the chickens.

Mr Crawley stated no. They wouldn't want that.

A Cllr asked for clarification on biosecurity measures for the site, and how they will be recorded and managed.

Mr Crawley explained they work with APHA, DEFRA, Freedom foods. No perimeter. There would be foot dips around the building and at times of risk a wheel wash on driveway.

A Cllr expressed concerns for the size, particularly the length of the building. He asked if it needed to be that long, and could 2 smaller buildings not be used?

Mr Crawley stated that the shed was designed in light of the field. The birds will roam one side of the building which slopes downhill. This would promote natural land drainage and avoid land becoming wet and boggy. End on end design with central collecting area. Side by side would be possible but the ridge would become higher and prominence greater. Chickens would range both sides too.

A Cllr suggested an incinerator be used rather than a bin to get rid of smells more quickly.

Mr Crawley stated there was a good chance an incinerator would be installed on site, as he had just had one audited, and agreed it was a good idea.

A Cllr questioned whether the other sites had accommodation with them.

Mr Crawley stated that some do and some don't. It's not included on this application as they do not see it necessary for a site with holding 32,000.

The Chair mentioned Mrs Williams' reference to the pollution of the stream, and asked what level of threat he saw that as, and what measures would be taken to prevent damage to the stream.

Mr Crawley stated he didn't perceive any threat to the stream. At the end of each term, sheds would be washed down. At the end of each building there would be a sunken wash tank (holding capacity 2-3 thousand litres). When pressure washed down into tank, they'd capture the dirty water, not slurry. This would then be spread onto land away from stream.

The Development Manager wished to clarify a couple of points from the objector. Neighbourhood plan for Ab Kettleby reached public consultation stage at May 2018 so could be afforded very small weight at this point. Then made reference to page 14 of the Committee Report and the Environmental Health section, specifically covering noise, odour and light. The Development Manager stated that there are alternative powers available in monitoring through separate legislation to that of the planning dept.

A Cllr referenced the legislation. She questioned how it would be known that the number of birds had grown from 32,000 to 40,000 and when would the legislation kick in.

The Development Manager explained that there didn't need to be a certain number reached. If members were concerned of noise, odour etc., there are other legislations that could have more prescriptive powers than planning.

A Cllr asked how it would be known if numbers had grown.

The Development manager stated it would be an ongoing dialogue with applicant. There would be a record keeping process as a business and these would be requested.

The Chair invited Mr Crawley to give additional information regarding this.

Mr Crawley clarified that the buildings maximum capacity is 32,000. 16,000 per air space and he

would not be allowed to keep any more than this. The building would have to be made bigger to accommodate more.

Cllr Botterill proposed to permit the application. He stated he thought it was a sound plan.

Cllr Baguley Seconded the proposal.

A Cllr expressed how pleased they were that the demand for free range is growing.

Mrs Williams requested to speak.

The Chair explained it is not usually permitted and put the decision to members. He reminded members that the Applicant had been allowed to add a point of clarification.

Mrs Williams reiterated her concerns about wildlife. She questioned whether the contraventions had been looked at.

The Chair explained that the Officer compiling the report would have taken note of the issues and this is part of their considerations when coming up with recommendations.

The Assistant Director of Strategic Planning and Regulatory Services highlights the 1st page of the report and the Local Plan's most relevant policies to the application. He explained it didn't have mirrors of the policies people may have been used to about proving need. Quoted EN1, and explained that was the purpose for site visit. Policy SS2, in terms of rural development, should follow national guidance which says we should support rural enterprises at every opportunity.

A Cllr suggested viewing other developments similar to this to better people's understanding, as they are becoming more popular.

The Chair stated we must respond to the changing scenery of applications

The Assistant Director of Strategic Planning and Regulatory Services added EN3a states this is not applicable as we're not creating green infrastructure. EN3 part a, relates to new or enhanced green infrastructure corridors which is not what we're dealing with on this application. EN2, is an aspirational policy that seeks to encourage bio and geo diversity improvements into any proposal in rural area. It is your judgement as to whether this is making such a contribution. But to clarify, failure to contribute is not contrary to the policy. It's just not fulfilling aspirations. Shortcomings identified by Mrs Williams; failure to enhance the most ecological sensitive areas. This is not one of those. Failure to contribute to wildlife networks, failure to promote the use of fencing which incorporates holes for the use of wildlife. Impact on local wildlife and geological sites.

A Cllr expressed his concern that there had been ample opportunity for the questions to have been put forward before tonight or included in the 3 minutes given. More time could've been given to officers. They stated it was disrespectful to suggest Officers haven't given decent consideration to Local Plan Policy. They requested to move to vote.

The Chair queried whether the Cllr meant for the business to be put.

The Cllr stated he would like the business be put.

The Chair stated that the proposal had already been seconded, they needed to approve that the business be put. This was put to members.

A vote was taken. 8 members proposed the business be put.

The Chair stated that precluded debate and goes straight to vote. He added, that doesn't preclude amendment/alternatives. It was asked whether members were happy in light of the queries raised with the implications of policies, if not, to then defer to ensure they are.

A Cllr stated they ought to know. They look after the people they represent. They continued to query the trees.

The Chair stated there could be no more debate.

The Solicitor to The Council explained that on the issue of policy, it was not a requirement for officers to go through each policy. It was a requirement for officers to look to see what they think is material and then bring them before you. Officers had done this in their reports. Policies were itemised that were material. With regards to debate, the majority voted for business to be put so that should be given effect.

A vote is taken. 8 members proposed to permit the application and 2 voted to not permit the application.

Permission granted.

Determination: The proposal comprises an agricultural building within the countryside. The proposal is supported in principle in policy terms by adopted, and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. As such, the proposal is considered to be in compliance with the Local Plan policies referred to above and principles of the NPPF. There are no material considerations present which it is considered would justify a departure from the Development Plan.

PL46.2

18/00919/FUL

Applicant: Mr J Orson

Location: Land Adj To No 11 And 13, Paradise Lane, Old Dalby

Proposal: Erection of a single dwelling

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

This is a full application for the erection of one new dwelling on land west of number 11 Paradise Lane, Old Dalby within the village conservation area.

The proposal is for a four bedroom property (not three as per the published report) which is recognised as larger scheme but is befitting of the site characteristics and land it is sited on. There is also still a need for houses of this bedroom requirement as stated in the Melton housing needs survey.

Matters for consideration are the design of the scheme within the context of the conservation area which according to our conservation officer are acceptable on accounts that the proposal will not look out place within the varying house types along the road.

Further conditions on materials have been imposed to ensure the finished proposal responds well to local areas characteristics.

Being a new dwelling in what is a rural hub category for the purposes of the local plan and therefore a sustainable location the principle is acceptable.

Matters of design and amenity have been fully assessed and also viewed as according to D1 which covers these topics.

There is adequate off street parking proposed and therefore is recommended for approval.

(b) Cllr Duncan Bennet, a Parish Cllr was invited to speak and stated that:

- The majority of the Parish Council had concerns about the size and style
- Expressed in his own personal opinion, it was in keeping
- Slightly larger than the proposed building planning permission was obtained for.

A Cllr asked if they had any concerns about the roofing material, specifically the zinc cladding.

Cllr Bennet responded no.

A Cllr asked whether the majority of the Parish Council were concerned about the size. And queried whether she was speaking for himself or for the Parish Council.

Cllr Bennet confirmed this was raised as an opinion of the Parish Council.

A Cllr stated they thought the plans were fine and queried whether there were any similar buildings in the conservation area?

Cllr Bennet stated that Old Dalby has a subjective conservation area. A broader view needed to be taken. It's not offending the rules of conservation areas.

(c) Nick Cooper, the Agent was invited to speak and stated that:

- Consistent with the directives of the newly adopted Local Plan.
- Design takes note of a variety of building materials.
- Materials are reflective of local area.
- Dwelling will be 2 building liked via a stone wall.
- There will be quality detailing controlled by conditions set.

The Chair questioned whether he was right to assume the zinc section is the main apex? Or would it all dark style tiling?

Mr Cooper clarified that the 2 storey building had zinc detailing. The outbuilding was traditional with slate.

The Chair asked if the material would be bright.

Mr Cooper informed The Chair that it would not be bright and samples would be provided.

A Cllr asked if zinc was environmentally friendly.

Mr Cooper stated he was unsure.

The Chair explained that it would be zinc coated steel. It would be a protective coating that is no more environmentally unsound than steel.

A Cllr questioned how it would weather and if it would change colour.

Mr Cooper explained it will go darker over time and samples would be provided for approval.

The Chair added that it will lose its shine.

The Planning Officer stated that, with regards to the conservation area, it will add to the diverse house type already along that road.

A Cllr expressed concerns that the building looked high and it looked quite close to the vicarage. They asked what percentage of the site it covers. They stated they don't object to the design, just concerned it may overshadow the houses either side.

The Planning Officer confirmed the building is 6.2m high.

The Chair added that the higher part of the property is not the nearest part to the neighbouring property.

A Cllr queried whether the consultation responses reflected the fact it was a 4 bed rather than 3 (as written in error in report). Particularly regarding parking and housing mix.

The Planning Officer clarified that the application was assessed as a 4 bed. The plans shows a 4 bed and is suitable for highways as there are 3 parking spaces, and access is suitable. There is to be a double garage and an additional space on the driveway.

A Cllr asked again about the housing need.

The Assistant Director of Strategic Planning and Regulatory Services stated the Housing Policy C2 only clicks in at an application of 10 or more houses.

A Cllr made reference to the removal of mature trees and questioned if they had to be removed, and if so are there plans to replace what gets removed.

Mr Cooper confirmed the trees do need to be removed. Suggested the applicant would be happy to add if required as a condition.

A Cllr queried the life expectancy of the building.

The Planning Officer took reference from a roofing company online, and stated up to 100 years.

Cllr Rhodes proposed to permit the application. Subject to the conditions being met.

Cllr Greenow seconded the proposal.

The Chair queried if the condition mentioned is the replacement tree planting. Contributing to landscaping elsewhere.

Cllr Rhodes agreed, and stated that was practical

Cllr Greenow questioned whether that could be done.

Cllr Rhodes made reference to similar arrangements made in previous applications.

The Assistant Director of Strategic Planning and Regulatory Services stated that at the moment,

they were unable to answer at the moment. May need to be a variant of the condition for now.

The Chair agreed that was fine.

A Vote was taken. 9 Members agreed to permit the application. 1 member abstained from the vote.

Permission granted.

Determination: It is considered that on balance, the proposed dwelling will contribute to the development of housing in what is a sustainable village of Old Dalby owing to its 'Rural Hub' status within the Melton Local Plan. The scheme is within Old Dalby and within the Neighbourhood Plan limits where there is an overall support for building for residential purposes.

It is considered that the proposed development is compliant with the Local Plan and the policies contained within the NPPF and there are no material considerations which would justify the refusal of the application.

PL46.3

18/00506/FUL

Applicant: Mr J Orson

Location: North Lodge Farm, Longcliff Hill, Old Dalby

Proposal: Conversion of existing brick and tile building to form one dwelling and associated garden and parking area.

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

This is a full application for the change of use of an existing agricultural building at North Lodge Farm, Longcliff Hill again in Old Dalby. This scheme however is *not* in the conservation area.

The proposal is for a two bedroom property and seeks to add various openings to make it function as a dwelling house.

Two parking spaces have been provided for this new dwelling and there is also an additional two spaces for the residents of North Lodge Farm.

Matters for consideration are the design of the scheme which through a comprehensive officer assessment has been viewed as acceptable on accounts that the proposal is predominately a conversion with the rural appearance of the dwelling maintained. It is also set back well of the highway and therefore within the overall 'street scene' should not have a significant impact. A full assessment has also been made in terms of ensuring the rooms are of a suitable size according to the technical space standards guidelines which are acceptable.

As before, being a new dwelling in what is a rural hub category for the purposes of the local plan and therefore a sustainable location the principle is acceptable.

Further benefits of this being a conversion and therefore using the existing redundant buildings on site provides further sustainable benefits.

Matters of design and amenity have been fully assessed and also viewed as according to D1 which covers these topics.

There is adequate off street parking proposed and therefore is recommended for approval.

(b) Cllr Duncan Bennet, Parish Cllr was invited to speak and stated that:

- Very worried about the confluence of the small track. There was already approval for 30 plus houses.
- Whole area was subject of a survey in relation to another application. This gets rid of any worries about traffic the Parish Council had
- Concerned how previously nearby 1 dwelling had turned into 5 under general development.

A Cllr asked why the Parish Council had not had the opportunity to speak on the previous application.

Cllr Bennet explained that it came under general development which is considered not needed to come before Parish Council

The Chair ruled to move on, as they were entering debate about an application not on the agenda.

(c) Maurice Fairhurst, The Agent is invited to speak and stated that:

- Small agricultural barn, accessed by track. Not visually prominent.
- Benefits to the village, residents and environment as it will add to housing supply and there will be no more agricultural vehicles being used.
- 2 bed dwelling, won't affect anybody else.
- Improve appearance of existing barn.
- Better use for existing building in line with attest NPPF objectives.
- Sustainable development in line with the Local Plan and NPPF.
- No harmful impacts raised.

A Cllr questioned whether the exiting barn door would be the only door and would windows be added. They also asked for clarification on what the barn is currently used for.

Mr Fairhurst explained the barn was used for the storage of agricultural implements. With regards to windows and doors the design tries to make advantage of the existing openings. Similar materials to that of the barn will be used in the conversion.

Cllr Greenow proposed to permit the application. He saw no reason to refuse.

Cllr Faulkner seconded the proposal.

A vote was taken. 8 members voted to permit the application. 1 voted to abstain.

At 7.20pm Cllr Holmes left the meeting and did not participate in the vote.

Application Approved.

Determination: It is considered that on balance, the proposed dwelling will contribute to the development of housing in what is a sustainable village of Old Dalby owing to its 'Rural Hub'

status within the Melton Local Plan. The scheme is reasonably well connected to Old Dalby and within the neighbourhood plan there is an overall support for conversions of agricultural buildings for residential purposes. Being also an existing agricultural building it is considered that the change of use will not impact upon the local area character and be overall sensitive to the area setting.

It is considered that the proposed development is compliant with the Local Plan and the policies contained within the NPPF. There are no material considerations present which it is considered would justify a departure from the Development Plan.

PL47

UPDATE REPORT: 18/00632/OUT

(a) The Development Manager (LP) stated that:

This paper relates to application 18/00632/OUT which was considered at the meeting of 6th September 2018 the proposal was recommended for approval subject to condition, one of which was to provide both a pedestrian and vehicular link to the previously approved neighbouring scheme 17/01577/OUT.

The difficulty with this is that 17/01577/OUT did not contain the same condition and only a pedestrian link was requested for this application, thereby when the development comes forward and as per the Local Plan it is likely that it will be for a single development and therefore there will be a parcel of land that does not link correctly.

Accordingly the proposal is not considered to pass the test whereby a condition must be reasonable necessary and enforceable, to which it is not considered that this is, the applicant is content with the pedestrian link and it is recommended that the wording is amended to reflect this whereby providing a pedestrian and cycle link between this application 18/00632/OUT and the previously approved 17/01577/OUT.

Cllr Rhodes proposed to permit. Cllr Rhodes stated that he moved the motion to permit, and had been persuaded to add this. In view of the information provided, he is happy to drop as it cannot be implemented.

Cllr Baguley seconded. Added, conditions need to be reasonable.

A vote was taken. Cllrs voted unanimously.

PL48

Urgent Business

None

The meeting closed at: 7.24 pm

Chair