

**PLANNING COMMITTEE 16 April 2013**  
**LIST OF LATE ITEMS RECEIVED AFTER PREPARATION OF MAIN AGENDA:**

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**ITEM 01**

**12/01114/FUL**

**Miss Susan Johnson**

**Appraisal:-**

The applicant has responded to the independent agricultural appraisal report under three headings as follows:-

Functional Need - the applicant considers that in addition to poultry welfare, there is a substantial risk to the enterprise from vulnerable crop loss, particularly from unexpected weather which, contrary to the stated report, cannot be reliably predicted.

Alternative Accommodation - the applicant points out that the alternative nearby accommodation detailed in the report is part of a retirement village for over 55 year olds and therefore not suitable for a farm worker and that her existing four bedroom dwelling would have a market/rental value above the income of a smallholding.

Economic Sustainability - the applicant disputes the conclusion of the report that the long term sustainability of the enterprise will be heavily dependent on the benefits system and that the enterprise will sustain the worker by 2015.

In response to the applicant's comments the independent agricultural consultant offers the following additional comments:-

Functional Need - it is accepted that crops are subject to risk, to varying degrees, predominantly from weather or pests, particularly when unexpected environmental conditions change over a short period. However, these events are rare and growers are able to reasonably predict when protective measures are likely. The management of risk should be a precautionary process not entirely reactive. Decision taking in respect of the harvesting of crops is a normal part of the working day and risk to the cropping elements of the enterprise can be avoided by proper management and planning and does not require a worker to live on site.

Alternative Accommodation - it is accepted that some of the alternative properties referred to are restricted housing, however, there are also other unrestricted properties available in the settlement at market prices commensurate with the level of investment the applicant is intending to make at the site.

Economic Sustainability - it is a requirement of Policy RES12 that an agricultural holding seeking consent for a workers dwelling is sufficiently viable to sustain a worker in full time employment. The combined business at the site can only be viewed as economically sustainable if it is able to generate sufficient income to cover the minimum wage requirement and the cost of the dwelling together with some residual profitability to support the continued growth of the enterprise. In this case the financial information provided confirms that the enterprise does not generate sufficient income to support a full time worker either now or, as predicted, in the foreseeable future.

In conclusion the independent consultant does not accept that the scale and nature of the farming enterprise justifies an additional residential unit, alternative accommodation is reasonably available nearby and the economic sustainability of the enterprise for the foreseeable future is questionable.

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**ITEM 02**

**12/01119/OUT**

**Mr N Montgomery**

**Consultations:-**

The Director of Environment and Transport (Highways) has confirmed that all off site works as shown on Highways Access Plan are to be provided, with the exception of the pedestrian refuge island. This is

because this will not be required as this will be the positioning of the toucan crossing, which is being secured through the Section 106 Agreement.

Two letters of objection have been received raising the following concerns:-

- a) re-assurances are required that none of the contamination makes its way to the meadow
- b) the buffer zone would create a more natural division
- c) the applicant wishes to bring the development up to the Clarendon Park Boundary citing that it was approved in 2007 and 2010 there is a previous applications for a different mix altogether so this should not be taken into consideration
- d) what assurances are there that every single penny will be used for enhancements at Clarendon Park
- e) irrespective that the number of access points have been reduced there is a real possibility of it being used as rat run by the public, and youths hanging around the area increasing the fear of crime
- f) should be only one access point and not several and should be to the one side of the development and not in the middle, be paved and lit with crime prevention thorned bushes and mature trees.
- g) the toucan crossing should be put in place at the earliest opportunity
- h) existing major concern is parked vehicles along Coventry Road
- i) restricted vision when leaving the proposed development site meaning that a car would edge out and its bonnet would be in line with the traffic
- j) traffic along Coventry Road is in excess of 30 miles per hour speed limit
- k) failure to create a no parking zone would mean that HBBC could be held responsible for creating a hazard that could so easily be overcome
- l) change the entrance to the site by moving it to the opposite side of the site
- m) HBBC to pursue an installation of a double yellow line (no parking zone).

Cllr Stuart Bray makes the following observations:-

- a) on-street parking in the Coventry Road area is appalling and it is essential that this does not add to this
- b) scoping works should be looked at to change the Traffic Regulation Order's in the area to restrict parking along Coventry Road, this is already a major problem and this application will exacerbate it.

#### **Appraisal:-**

In respect of the access points to the meadow area, these have been reduced in line with Directorate of Chief Executive, LCC (Ecology). There are now two located at either edge of the northern periphery of the sites. The fact that the schemes provides permeable links through the provision of pedestrian links with the surrounding area can only be welcomed rather than discouraged in this case. The landscaping of the area would be a consideration within any subsequent reserved matters application.

In terms of the visibility, the Director of Environment and Transport (Highways) is satisfied that adequately visibility can be achieved to ensure that safety is not compromised and a condition securing this has already been imposed (Condition 8).

The on street car parking that currently exists on the Coventry Road frontage would need to be removed through a Traffic Regulation Order and not through the planning process.

In respect of the buffer zone, it is considered that the previous applications should be taken into consideration; the fact that there was a mix of different uses should make no difference, as it is the footprint of the built development that is relevant.

Should the application be approved then there would be a S106 Agreement which would secure the exact amount for improvements at Clarendon Park. In order to comply with the regulations the monies secured would have to be spent on Clarendon Park.

## Recommendation:-

Condition 10 amended as follows:-

Before first occupation of any dwelling hereby approved, the off-site highway works (excluding the pedestrian refuge island) as shown on the Redwood Partnership's Highway Access Plan drawing no. REDW-3055-103 shall be provided and available for use.

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ITEM 03

12/01121/FUL

Mr Roger Neep

## Consultations:-

Desford Parish Council object on the following grounds:-

- a) location chosen without due regard to the national guidelines which recognises a minimum separation distance of 350 metres of a wind turbine to adjacent properties;
- b) the distance of 350 metres is a guideline figure and it falls to the Borough Council to consider whether in this case it should be ignored
- c) Cllr Morrell stated that in order to protect local residents this Council resolves that detailed planning policies be examined and adopted to ensure:-
  - i) wind farm proposals should not be permitted if they would have a significant long term detrimental impact on the amenity of people living nearby
  - ii) a separation distance of at least 2km between wind turbines and residential properties
- d) impacts of shadow flicker and accounts of impacts throughout the year, results from the Project European Commission Directorate General for Energy recommend that shadow flicker for dwellings within 500 metres of a turbine should not exceed 30 hours per year or 30 minutes per day and this recommendation is not met for Meadow Way, Desford.

30 letters of objection have been received raising the following concerns:-

### Visual Impact

- a) ugly industrial structure
- b) eyesore on the landscape as it will be in view from many different places in the village
- c) turbine the same height as a 13 storey building
- d) the turbine is on high land
- e) located directly in the centre of a magnificent vista
- f) view over the countryside ruined
- g) detrimental to the character of the village
- h) siting of a turbine in an area of natural beauty
- i) the visual survey does not take account of the impact it will have and the loss of visual amenity on the houses
- j) no photos to demonstrate that impact from Peckleton Lane
- k) no photographs or projections have been taken from Meadow Way itself
- l) front windows will be affected
- m) area enjoyed by walkers and will be ruined
- n) turbine would be visible from houses and this is not acceptable
- o) these turbines of such sizes are designed to be installed in vast open spaces
- p) the Zone of Theoretical Visibility shows that 80.64% of Desford will be able to see varying amounts of the turbine and 24.67% will be able to see the entire structure - how is this acceptable?

### Distances

- a) there is a "Distances to Resident's Properties" Bill currently in progress in the House of Lords, although not Law the Council should take the same pragmatic approach (once the law is passed a turbine of 25 metres would be required to have a distance of 1000 m to the nearest residence)
- b) closer than the national guidance set out in PPSS22 Companion Guide
- c) a separation distance in excess of 1km would alleviate residents worries

- d) it is not sited near to the farmhouse on the farm, how is this fair?
- e) too close to residential properties
- f) too close to Sport in Desford
- g) the additional supporting statement should be challenged- it is true that the switchgear, conversion equipment and metering should be close to the grid but the turbine could be any distance from this equipment
- h) surely a more favourable location can be found?
- i) re-locating the turbine is unlikely to have a notable effect on the operational efficiency of the plant.

### Noise

- a) low frequency noise and vibration
- b) auditory drone
- c) added noise to an already noisy area
- d) hear noises from Mallory Park Race Track but this is only for limited periods
- e) due to the layout of the Peckleton View and Grace Road/Bambrook Close estates noise becomes almost magnified between these estates
- f) as a deaf disabled person I find low frequency noise and air movement very disorientating
- g) impact on a sleep disorder which is exacerbated by noise and prepared to go to the doctor to gain evidence that it will hugely exacerbate condition
- h) studies undertaken measures sound levels more than a mile away from a turbine
- i) the World Health Organisation recommends no more than 45 decibels
- j) has the Planning Authority critically assessed the Noise Report or had it reviewed by an independent third party specialist?
- k) noise level data is often optimistic and inaccurate, and 'wooshing' from blades is not an exact science
- l) the noise report makes assumptions
- m) noise can affect the members of the Sport in Desford facility.

### Health

- a) request a Health Impact Assessment for those who live in close proximity to the proposed site
- b) adverse mental and physical health effects
- c) research by Dr Amanda Harry showed that all but 1 of 14 people living near Bears Down wind turbine in Cornwall had experienced increased incidents of headaches, migraines, nausea, dizziness, palpitations, tinnitus, sleep disorders, stress, anxiety and depression
- d) impact on migraine sufferers
- e) further study and research is being undertaken and the understanding of the negative effects of wind turbines on residents is required and not yet available and therefore it cannot be possible for the Council to make an informed decision and should refuse on this basis.

### Shadow Flicker

- a) the simplistic software being used by the agent is in-accurate in its predictions because the plan area of the shadow flicker cannot ever be circular because the sun rises and sets at different angles at different seasons of the year which produces an irregular shadow pattern
- b) an application south of Leicester Lane used more sophisticated software
- c) present submission does not take account of topography in the area of the proposed turbine, any shadow would be elongated down the slope resulting in an egg-shaped form at least
- d) stress and annoyance from the rotating blades
- e) impacts of shadow flicker and accounts of impacts throughout the year, results from the Project European Commission Directorate-General for Energy recommend that shadow flicker for dwellings within 500 metres of a turbine should not exceed 30 hours per year or 30 minutes per day and this recommendation is not met for Meadow Way, Desford.

### Wildlife

- a) area is home to a large bat colony; bats in the area and foraging sites impacted upon by the noise and action of the turbine
- b) there has been no check on the distances relating to ecology features

- c) the applicant has not provided the exact location of the badger sett
- d) bats in the woods and gardens are too close to the wind turbine
- e) bird deaths will increase
- f) number of species of wild birds in their area such as lawfully protected barn owls and bats that may become endangered by this installation
- g) bats can forage up to several kilometres so the stated 50 metres from a hedge is neither here nor there
- h) have Natural England been consulted? I am sure they would like to know that these precious species are under threat.

### Consultation

- a) not informed by HBBC even though we live directly opposite/close by
- b) only heard through a third party
- c) we will be speaking to our neighbours and writing to the planning officer to establish whether the correct procedures have been followed in this instance
- d) we will be seeking legal advice on whether the Council have undertaken the correct consultation
- e) the notice put up on the entrance to the farm would have been seen by no one
- f) the notice placed at the footpath entrance would only have been seen by a few dog walkers.

### Other Impacts

- a) distraction to an extremely busy road and could increase the risk of road traffic incidents and accidents
- b) there are recording instances of ice flying from blades, wind turbines collapsing, exploding and shearing blades
- c) many cases of accidents caused by wind turbines broken blades, fallen turbines, fires of lightning strikes; not isolated incidents and will increase as turbines become older and less well maintained
- d) turbines in this area are a complete waste of time, the majority of the time they are not working
- e) similarity to previous application ref: 12/00157/FUL- many of the comments made by the MP David Tredinnick in that report apply in this case and if the fact that the East Midlands already have over 25% above our 2020 wind energy targets is correct, it seems irresponsible to pursue an application which will adversely affect to many people
- f) there is currently insufficient evidence to demonstrate the 'green' credentials of this method of power generation
- g) won't bring anything of any value to our community
- h) purely a business prospect at the expensive of the local private council tax payers
- i) no compensation for us is possible
- j) movement and noise would impact upon the outdoor facilities of Sport in Desford
- k) many footpaths go close to the site
- l) it will require the re-routing of a footpath in fields
- m) property prices affected
- n) the area is already well served by alternative energy generation such as the solar power station at Stoke Golding and wind power schemes planned between Newbold Verdon and Peckleton
- o) could set a precedent for more turbines on this site.

### **Appraisal:-**

The majority of the objections raised have already been addressed and appraised within the planning committee report. Those not specifically addressed previously, are addressed below:-

### Distances

Letters of objection have referred to a turbine being sited a minimum distance of 350 metres from residential properties, in accordance with guidance contained within Planning Policy Statement 22 (PPS22).

PPS22 has been superseded by the publication of the National Planning Policy Framework and as such carries no weight in the determination of the application.

There is no guidance within the Companion Guide to PPS22 relating to a distance of 350 metres, however this guidance includes a table which compares the noise of a turbine 350 metres from a source, compared with other everyday noises.

### Shadow Flicker

In response to the letter of objection regarding the simplistic software used to calculate the extent of the shadow flicker, the guidance contained within the companion guide to PSS22 makes clear that problems caused by shadow flicker are rare and for sites where existing development may be subject to this problem, applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect.

The guidance does not state how this information should be displayed or presented and given that flicker effects have been proven to occur only within ten rotor diameters of a turbine and only properties within 130 degrees either side of north, relative to the turbines can be affected in the United Kingdom then the information submitted by the application clearly shows the extent of the impact of shadow flicker.

### Safety

In relation to icing of the blades, the Companion Guide to PPS22 states that the build up of ice on turbine blades is unlikely to present problems on the majority of sites in England and that very few accidents have occurred and there has been no example of an injury to a member of the public and that experience indicated that properly designed and maintained wind turbines are a safe technology.

Paragraph 49 of the Companion Guide to PPS22 states that experience indicates that properly designed and maintained wind turbines are a safe technology and that the very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators' instructions for the operation of the machines and that there has been no example of injury to a member of the public. Paragraph 50 goes on to state that the only source of possible danger to human or animal life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, of the whole blade. However it states that many blades are composite structure with no bolts or other separate components and therefore blade failure is most unlikely.

### Other

The Noise Report is assessed by the Council's Environmental Health department and there is no requirement for a third party to additionally assess the report.

Specific criteria needs to be triggered in order for Natural England to be consulted and this development did not satisfy the criteria.

There is no planning requirement for the applicant or the Council to undertake a Health Impact Assessment.

The development will not result in the re-routing of a footpath.

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**ITEM 05**

**12/00935/REM**

**Mr Phillip Goodwin**

### **Consultations:-**

A landscaping plan has been submitted and a further 10 day consultation undertaken. This expires on 21 April 2013.

## Appraisal:-

A landscaping plan has been submitted. This is considered acceptable and replicates the same proposed landscaping as was approved under application 11/01023/REM. As a result of the details a condition requiring them to be undertaken is recommended.

## Recommendation:-

### Amended as follows:-

**That the Development Control Manager shall be granted delegated powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 21 April 2013, subject to the following conditions:**

Condition 1 amended as follows:-

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- PC 0275/100/1001 Rev A (Site location plan 1:1250); PC 0275/MS - Rev D (materials schedule dated 15 October 2012); PC0275/100/01 Rev B; Received 31 January 2013.

BOS/WKDG/100/80/22 Rev A (plots 94, 98, 107, 112, 120, 142, 149, and 156); BOS/WKDG/100/80/23 Rev B (plots 94 and 98); BOS/WKDG/100/80/23/01 (plots 107, 112, 120, 142, 149, 156); BOS/WKDG/100/80/02 Rev B (plots 93, 116, and 148); BOS/WKDG/100/80/03 Rev C (plot 93); BOS/WKDG/100/80/03/1 (plots 116 and 148); PC0275-300-27 (garages) Received 19 March 2013.

Bir.3836\_01G (Landscaping plan); Received 11 April 2013.

Additional Condition:-

- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

*Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.*

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<b>ITEM 08</b>	<b>13/00048/FUL</b>	<b>Mr Darren Price</b>
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This application has been withdrawn.

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<b>ITEM 09</b>	<b>13/00128/REM</b>	<b>Mr Simon Long</b>
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## Consultations:-

No objections have been received from Network Rail. Their response contains standing advice on a number of issues that were fully considered under the original outline application for the whole site. A 'note to applicant' will be attached to any forthcoming approval.

No comments have been received from:-

Head of Corporate and Scrutiny Services (Tree Officer)  
Ramblers Association  
Director of Environment and Transport (Rights of Way)  
Head of Business Development and Street Scene Services (Waste Minimisation)

Police Architectural Liaison Officer  
Cycling Touring Club  
Leicestershire and Rutland Primary Care Trust  
National Grid.

**Recommendation:-**

No changes to recommendation.

It is recommended that the following condition be added:-

- 7 No development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on local residents, the highway and the environment shall be prevented or mitigated from mud, dust, odour, noise, smoke, light, and traffic and land contamination. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The plan shall be implemented throughout the duration of the construction works.

*Reason: To safeguard the amenities of nearby occupiers in accordance with the requirements of criteria i Policy BE1 of the Hinckley and Bosworth Local Plan.*

Standing advice relating to the comments received from Network Rail are to be added as note to applicant.

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**PLANNING COMMITTEE**

**16 April 2013**

**SPEAKERS**

<b>Item</b>	<b>Application</b>	<b>Speaker(s)</b>	<b>Applicant/objector</b>
01	12/01114/FUL	Ms S Johnson	Applicant
02	12/01119/OUT	Mr R Wells	Agent
03	12/01121/FUL	Ms L Botterill Mr T Armfield	Objector Agent
04	13/00015/HOU	Mr Lehal	Applicant
07	13/00133/FUL	Mr J Gill	Objector