



MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

31 March 2016

PRESENT:

J Illingworth (Chair), P Baguley,
G Botterill, P Chandler, P Cumbers, M Glancy,
E Holmes, J Wyatt, P Posnett, J Simpson

Solicitor to the Council (SW), Regulatory Services Manager (PR),
Applications and Advice Manager (JW) Planning Officer (LP),
Administrative Assistant (LR)

D71. APOLOGIES FOR ABSENCE

None received
Cllr Holmes arrived at 18:15

D72. DECLARATIONS OF INTEREST

15/00931/FUL

Cllr Cumbers – Lifetime member of Melton and Oakham Waterways Society
Cllr Posnett – Has been invited to be Chairman of Melton and Oakham Waterways
Society

D73. MINUTES

Minutes of the meeting dated 10 March 2016

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

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

D . SCHEDULE OF APPLICATIONS

- (1) **Reference: 15/00476/FUL**
- Applicant: Aldi Stores Limited**
- Location: Ambulance Station Leicester Road Melton Mowbray**
- Proposal: Demolition of existing buildings at the former Ambulance Station Leicester Road, Melton Mowbray LE13 0DE, and erection of Class A1 food retail store with associated access, car parking and landscaping, and provision of access to Site B.**

(a) The Planning Officer stated that:

This application seeks planning permission for erection of a new food store on land currently occupied by the former ambulance station, County Council Offices and day care centre. It is accessed from Leicester Road and lies within the town envelope. The access has been designed to serve the car park, delivery area and to allow access to site 'B' (on plan). Site B does not form part of this application but it has been indicated that it would be for a public house and restaurant.

The report requires amending with regards to condition 20 and 21 and should read as follows;

- The noise level of all noise associated with the proposed refrigeration/condensing units shall not exceed 31dB(A) LAeq,15 minutes between the hours of 23:00-07:00 Monday to Sunday at a distance of 5m from any façade of the proposed plant compound.
- The noise level of all noise associated with the deliveries shall not exceed 39dB(A) LAeq,30 minutes at any time at a distance of 5m from any façade of the proposed delivery compound.

Turning to the application;

The application proposes a food store to the east of the site with parking to the west and the access to site B on the western edge. The access would be to Leicester Road and would serve the car park and building from the same access. The delivery yard would be to south and has been designed to be a fully enclosed delivery bay.

The application has been assessed for retail development purposes and has been found acceptable in terms of applying the sequential test. The site lies in an out of town location and is not considered to have a harmful impact on the town centre.

The proposal is considered to be acceptable in terms of highway safety and is considered to be accessible. The building design, whilst basic, is considered to be appropriate to the surrounding area and the regeneration of the site would be a visual improvement.

Amendments have been made to the scheme to provide an enclosed delivery and refrigeration plant to mitigate any potential noise impact on surrounding properties.

Therefore the application is recommended for approval as set out in the report.

Mr Ciaran Aldridge, Property Director for Aldi Stores Ltd, was invited to speak and stated that:

Aldi have sought a suitable site in Melton Mowbray for a number of years, and the proposed site meets Aldi's requirements as well as providing a shopping choice for residents in the south of the town. The design team have worked hard to take into consideration the impact the store will have on local residents and have therefore provided a plan with sufficient parking, safe access and acoustic fencing measures. The building itself will be lower than the existing ambulance station.

Mr Aldridge confirmed that a few deliveries per day will be taken at the site with time restrictions in place to protect local residents. In summarising, Mr Aldridge said that the store would provide 40 well paid local jobs and would be a sustainable economical development whose benefits would far outweigh its disadvantages.

Cllr Higgins was not present at the meeting but had submitted a representation on behalf of Somerby ward residents in support of the application, stating that the development would provide an economic boost to the south of the town and borough as well as reducing the need for residents to commute across town to the north and east. Also stated that he would support conditions to mitigate the impact of noise on local residents.

Cllr Simpson asked how many deliveries a store of this size would receive per week and if the times the deliveries would be taken would be adequate enough to protect residents.

Mr Aldridge stated that 2-3 deliveries would be taken per day, a fresh produce delivery at 7am ready for the store to open at 8am, with less perishable items to be delivered later in the day. Mr Aldridge added that there could be a potential milk delivery later in the day also.

Cllr Chandler enquired as to what the store's opening hours would be as this was not included in the report. Mr Aldridge confirmed that the store would be open to the public between the hours of 0800 and 2200 Monday to Saturday and 0800 to 1600 on Sundays

Cllr Cumbers enquired into the nature of the jobs the store would provide, if they would all meet the national living wage, would the 40 jobs be full time or equivalent, whether the store would employ apprentices and if there would be an emphasis on recruiting staff from within Melton Mowbray.

Mr Aldridge responded that the national living wage would be in effect when the store opens, and that the number of jobs created would be dependent on the success of the store. He stated that 40 potential jobs is a realistic figure, and confirmed that store managers and assistant managers would be employed on a full time basis and all other opportunities would be part time in the region of 25 hours per week. Mr Aldridge commented that Aldi do not employ on zero hour contracts and that recruitment would take place locally.

Cllr Glancy expressed concerns about the proposed refrigeration unit and enquired whether there was an alternative place this could be positioned on the site. She also asked whether the entrance onto the site would be widened.

Mr Aldridge responded that the building had already been moved significantly away from the site boundary after discussing this issue with the planning officer, adding that the refrigeration unit would be low noise equipment contained within acoustic housing. Mr Aldridge also confirmed that the entrance would be widened in order for traffic to queue both left and right when exiting the site.

The Planning Officer confirmed that the Highways Authority have been consulted and that the submitted plans have shown tracking of cars and vehicles in and out of the site, confirming that access will accommodate this and also that the site meets the proposals of the county council. The Planning Officer also confirmed that there were no concerns for Highways Safety with regards to queuing.

Cllr Simpson commented that the store would be welcome for the majority of people in the south of the town and that a lot of support had been received for the proposal including from residents near to the site. **Cllr Simpson proposed approval** of the application.

Cllr Posnett stated she had received no letters objecting to the site and had no hesitation in supporting the application and **seconding the proposal to approve.**

Member stated they were happy to support the application but suggested the addition of a condition for a pedestrian crossing within the site near the entrance so that people on walking on the pavement could safely cross, and possibly another crossing within the site for shoppers.

The proposer and seconder confirmed that they were happy with this condition.

The Planning Officer made reference to condition 8 which makes reference to pedestrian crossing to be presented to LPA before works commence, adding that works would have to be assessed by highways to ensure no implications to highway safety etc.

Member stated that they would like to endorse the representation made by Cllr Higgins and supports the application however reiterated that it was important to consider the nearby residents especially with regards to noise during unsociable hours.

Member agreed with these comments and added that as well as noise pollution there was the added concern of light pollution, making reference to condition 23.

A vote was taken. 9 Members voted to permit the application.

Note that Cllr Holmes was unable to vote due to late arrival.

DETERMINATION: Approved as recommendation, subject to S106

- (3) **Reference:** **15/00931/FUL**
- Applicant:** **Mr Richard Booth**
- Location:** **Dock Between River And The Glory Hole Wilton Road**
 Melton Mowbray
- Proposal:** **New double dock on river**

Cllr P Cumbers and Cllr P Posnett left the room due to declarations of interest.

(b) The Planning Officer stated that:

The application relates to the creation of a new dock adjacent to the River Eye, situated behind The Glory Hole, and to the south of the Scout Group Headquarters. The site is accessed through the Wilton Road car park, and is on the opposite side of the river bank to Egerton Park playing fields.

The dock is proposed to be 7 metres x 4 metres, adjacent to the river.

To clarify matters following site visit earlier this week the plastic cover to the dock is no longer part of the proposal. It has been removed on the advice of the Environment Agency.

The dock is required by the Melton and Oakham Waterways Society for the storage of river maintenance boats.

Impact upon environment & ecology

No adverse impact subject to condition to provide habitat enhancement strategy

No objection from Environment Agency and County ecology

No impact upon flood risk

Complies with policies BE12,OS1 & BE1 as set out in report.

Health and Safety

Some impact upon activities on the river bank, but no significant impact upon health & safety, no more or less dangerous than the current situation.

Details

Fence:

The applicants have stated that the fence would be either a metal fence, similar to the existing fence on the other side of the dock. Or, it could be wooden fence. The details would have to be agreed by the Environment Agency.

Recommend that permission be granted subject to conditions.

Mr Carl Culley of the 4th Melton Mowbray Scout Group, objector, was invited to speak. Mr Culley stated that the scout group is the largest group in Leicestershire, and that the proposed site will affect all members of the group as well as other children that use the water centre. He stated that the dock will remove the area used by the scout group and that the removal of the launch area would reduce the amount of scouts that can be on the river. Mr Culley also added that the proposal and the removal of surrounding trees would affect the security of the scout hut and that the dock could be placed alternatively in a location that would not affect the scout hut.

Cllr Holmes enquired as to the depth of the bank and how children were currently kept away from the river. Mr Culley confirmed that there was an approximate 1 adult to supervise per 6 children and commented that a dock in the area would make the site substantially more dangerous.

Cllr Simpson enquired into the nature of the scout groups activities, such as building hammocks from tree to tree, and asked whether the group use trees on other side of river. Mr Culley confirmed a total number of 18 hammocks were used in the area.

Cllr Chandler asked who the current owner of the river is. Mr Culley confirmed river is owned by the town estate.

Mr Michael Clowes, the applicant and chairman of the Melton and Oakham Waterways Society, was invited to speak and commented that the open waterways should be for use by everyone.

Mr Clowes continued that MOWS trained volunteers have used boats responsibly in the Melton area for past 10 years and that the boats are currently docked near the Sysonby Inn. MOWS currently have a commute of 30 minutes to the site and that relocation to a purpose built dock would allow for quicker response to emergencies such as fallen trees.

Mr Clowes stated that the proposed area had been subject to a private health

and safety report and that a fence had been proposed. Mr Clowes added that a full ecological survey had been commissioned and that nothing untoward had been found, concluding that the proposed dock is a simple low impact build that in the long term would benefit the town.

No questions were put forward for the applicant.

Member commented that they had enquired about the fence at the site visit and whether it would get approval from the Environment Agency prior to approval of the application but that no feedback had yet been received.

The Planning Officer confirmed that neither of the proposals had been considered by the Environment Agency yet.

Cllr Glancy proposed deferral of the application until feedback has been received in the interest of the safety of the scout group. **Cllr Holmes confirmed that she would second a deferral** for the same reason.

Member commented that the boats are not typical boats, that the platforms at the site are steep and that there were two there already. They added that it is within the scout leaders' remit to supervise children if there is a fence, and that the majority of the time the boats will be in the dock. They added that the 11 foot drop as previously commented is not shown in the plans.

Member stated that the existing ground is 6ft above river level, and that taking into consideration the depth of boat etc would explain the drop of 11ft. They added that a fence and railings will have to be put up on the site and approved before the project can go ahead. For this reason there is therefore no point for deferral, and that the application should be conditioned instead.

Member commented that a children's nursery was refused near this site previously due to safety issues, adding that the removal of trees would also affect the water level of the river.

Member stated that since the introduction of the Brentingby dam, Egerton park does not flood anymore.

Member reiterated the issue of the safety of children near the site and clarification should be received with regards to the fence before approval

The Planning Officer suggested that if the only reason for deferral is for safety reasons, a condition could be added to grant permission subject to a fence being erected shown on the plans, and that if not, the development cannot be implemented.

Cllr Glancy stated that she was happy to withdraw deferral providing that a condition is added to the application, that without a fence, the site cannot be constructed. **Moved that the application be approved.**

Cllr Simpson seconded the proposal to approve, suggesting segregating the

area to ensure it is safe.

A vote was taken. 6 Members voted to permit the application with conditions. 2 Members voted against.

DETERMINATION: Approved as recommendation (with additional condition to ensure that the dock cannot be used before a new fence has been installed).

Cllr P Cumbers and Cllr P Posnett re-entered the room

- (4) **Reference:** **16/00023/FUL**
- Applicant:** **C And C Plants:- Mr And Mrs C Scarborough**
- Location:** **Field 8500 Eastwell Road Scalford**
- Proposal:** **Proposed erection of single storey occupational dwelling with double garage, provision of turning area and associated site landscaping.**

(c) The Planning Officer stated that:

This application seeks permission for the erection of one single storey occupational dwelling with a double garage, provision of turning area and associated site landscaping.

The application site is located outside of Scalford, where there is a small cluster of cottages and the existing nursery. The site is rural in form with surrounding paddocks and fields. The dwelling would utilise the existing nursery access. It is acknowledged that the agent has made reference to some previous criminal acts on the site. However these have not been sufficient to warrant police intervention, and no details of existing or alternative security measures have been submitted for consideration.

The applicant has emphasised that the business has been running for over 20 years, however full costs for the development and predicted increase to viability from the erection of the dwelling were not submitted to a level where viability could be formally assessed.

The applicant currently lives 1 mile away from the business site, this travel time is acknowledged, however this is not considered to be an excessive distance given the nature of the business.

There are no updates to the report.

It is considered that the requirement of a workers dwelling in this location has not been fully demonstrated.

Application recommended for refusal as set out in the report.

Mr Ray Kilsby, agent for applicant, was invited to speak and stated that:

The business is successful, profitable and has an assured future, as well as consistently providing employment for 4-6 people locally on a seasonal basis. The proposal passes tests of sustainability and the claim that the proposal does not meet the financial test of PPS7 had been withdrawn. The financial figures of the business have not been submitted to support the application however the proposal is financially possible. The proposal would expand stock valuation.

No questions were put forward to the applicant.

The Planning Officer stated that PPS7 bears relevance to this application in regards to functional and financial matters, and that annexe A had been tested at appeal. The Planning Officer stated that it does not meet the criteria of the NPPF sustainability test as detailed in the report.

Member stated that she had seen the business grow over the years and it has been successful. They referenced the recent budget which stated that local governments should encourage small businesses, however the planning process does not seem to support this statement. Member added that not living on site it makes it difficult to accept early morning deliveries as well as increasing the risks to security of stock. They stated that they see no reason for application to be refused and that the application should be supported, adding that rural businesses are already difficult to run.

The Planning Officer responded that the government sets out what it expects in the NPPF, adding that supporting a rural business is separate from supporting an isolated house in rural countryside. The Planning Officer stated that if the case is put forward that the dwelling is required to support the business then it is a different matter, however this had not come across in the application. The Planning Officer added with regards to site deliveries that paragraph 55 of the NPPF allows for an exception test and the applicants would need to pass that test.

Member responded that the dwelling is not an isolated dwelling as there are rural cottages, a garden centre and houses 100 yards further up the road.

The Planning Officer then asked if the dwelling is not isolated then is it in a sustainable location, and asked for clarification on whether the dwelling was needed to support the business

Member made reference to Queensway in Old Dalby as an example of housing that is necessary to support businesses.

Member made reference to page 3 of the report and paragraph 28 of NPPF supporting this, stating that plan policies should support economic growth in rural areas. Member added that the business has been there a long time which therefore proves it is sustainable. Member expressed support for the application.

Another Member also expressed support for the application, agreeing with the points raised by previous Member.

Member stated that the business was obviously a viable business, adding that the biggest problem in the countryside is security, referencing issues such as stolen goods and damage to the property. They stated that being able to live in close proximity to the site would allow for the safeguarding of the business, adding that there is currently no protection on the site.

Cllr Chandler requested for approval on the basis that the property is tied to the business, Cllr Chandler was happy to add this condition. Move that the application be approved.

Cllr Holmes seconded the proposal to approve and made reference to security incidents in area

Member questioned that financial figures had not been disclosed by the applicant as it is relevant to the application to prove that the business is sustainable. They made a request for accounts to be clarified before future applications are brought before the planning committee.

Member agreed that financial figures are relevant to the application.

The Planning Officer confirmed that some information was provided in support of the application but not enough for viability assessment, although the information had been requested. Referred to in recommendation for refusal based on the lack of financial evidence.

A vote was taken. 8 Members voted to permit the application with conditions. Cllr Cumbers requested for her abstention to be recorded based on insufficient information being provided.

DETERMINATION: Approved (with occupancy condition- tied to the business) - delegated to officers

(4) **Reference:** **16/00033/FUL**
 Applicant: **Mr And Mrs Hutchings**
 Location: **Land South Of Thornhill House Main Street Eaton**
 Proposal: **Single, self-build, two-storey dwelling**

(d) The Planning Officer stated that:

This application seeks planning permission for a single dwelling on land to the south of Thornhill House. The site lies outside of the village envelope but partially within the designated conservation area.

There are no updates to the report.

The proposal relates to land adjoining Thornhill House on the edge of Eaton. Eaton is considered to be an unsustainable settlement with limited facilities. Therefore, the site is not one which would be considered suitable for a new residential dwelling. The applicants have stated that it would be for themselves to downsize and not move out of the village. However the proposal is for a four bedroom dwelling which would have no restrictions being an open market dwelling.

The size of the proposal would also not meet housing needs for the area. The design of the dwelling is considered to be acceptable and would converse and enhance the conservation area in which it would sit and is not considered to have any adverse impact with regards to highway safety or adjoining properties. That said when considering the location in an unsustainable settlement it is felt this is significant to outweigh the benefits of the proposal.

As such the proposal is recommended for refusal as set out in the report.

Mr Colin Wilkinson, agent for applicant, was invited to speak and stated that

The applicants have lived at Thornhill House for many years the house itself is a six bedroomed grade II listed building, the applicants would now like to downsize as their children have now grown up and left home. The applicants are keen to remain in Eaton and the new dwelling will be built for their own use.

The site will be visually well maintained, the boundary hedges and trees will be preserved, and the house will be designed in keeping with local surroundings.

There have been no highways or ecological objections to the application. The only point for objection is that Eaton is an unsustainable location however there are transport links to nearby villages. The proposed dwelling adds to local housing needs and there had been no local objections to the proposal, the proposal is consistent with the council's emerging local plan and that the applicants would be prepared to accept conditions if the planning committee would allow the application to be approved.

No questions were put forward to Mr Wilkinson.

The Planning Officer stated that the draft and emerging local plan has no weight when considering planning applications, plan itself currently out to consultation, after this time plan and policies could be subject to change, plan has not been tested. Note of caution re occupancy condition for specific person.

Member confirmed that they have no objection as to the location of the proposal and it would be a pity not to utilise the site near the road, however they would not

like to see parking on the road as a result.

Cllr Baguley stated that she has no objection, adding that villages need to grow at a slow pace, which this proposal would support. **Cllr Baguley proposed to permit the application.**

The Planning Officer made reference to paragraph 55 of the NPPF and Members confirmed that in this case they considered that the proposal would support the local rural community.

Cllr Holmes seconded the proposal to approve the application with the addition that it should be finished in stone.

Cllr Baguley confirmed that she agreed with Cllr Holmes' suggestion.

Member suggested that rather than specifying stone in particular that the condition should propose that the materials are in keeping with the surrounding area. Cllr Holmes agreed with this suggestion.

Members discussed parking.

The Planning Officer stated that as the lane is a public highway it is not possible to restrict parking. The applicants can be encouraged to ensure adequate parking is available on site however the lack of double yellow lines on the road does not exclude them from parking on the road.

Member stated that they are not happy with the condition of stone materials as it is too far removed from stone buildings in the village, and suggested it fits more with the properties across the road from the site. Member would be happy to support the application without stone condition.

The Planning Officer confirmed on the application form that proposed materials are ironstone and red clay pantile.

Member enquired about removing permitted development rights. The Planning Officer responded that this was not appropriate or necessary in the case of this property.

A vote was taken. The Members voted unanimously to permit the application with conditions.

DETERMINATION: Approved (with conditions – including materials appropriate to the area and provision of adequate parking) – delegated to officers

D . MELTON MOWBRAY HOSPITAL: ARTICLE 4 DIRECTION

The Regulatory Services Manager presented a report reporting

representations received in respect to the proposed Article 4 Direction relating to demolition of buildings at Melton Mowbray Hospital, Thorpe Road and recommending that the Article 4 should be confirmed.

He directed Members to additional representations submitted by the property owner's agents which had been copied and circulated at the start of the committee meeting.

Article 4 Confirmed as recommendation

D . URGENT BUSINESS

None

The meeting commenced at 6.00 pm and closed at 8.00pm