



MEETING OF THE  
DEVELOPMENT COMMITTEE

BOARDROOM, MELTON MOWBRAY

21 APRIL 2011

PRESENT:

P.M. Chandler (Chairman)  
P. Baguley, G.E. Botterill, P. Cumbers  
E. Holmes, J. Illingworth, T. Moncrieff, J. Wyatt

Observer

S. Dungworth

Head of Regulatory Services  
Planning Policy Officer (SF)  
Democracy Officer (DB)

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D77. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Barnes, Moore-Coltman and Sheldon.

D78. MINUTES

The Minutes of the Meeting held on 7 April 2011 were approved and authorised to be signed by the Chairman.

D79. DECLARATIONS OF INTEREST

There were no declarations of interest.

**RESOLVED** that the undermentioned applications be determined as follows and unless stated otherwise hereunder in the case of permissions subject to the conditions and for the reasons stated in the Schedule of Applications and in the case of refusals for the reasons stated in the schedule.

D80. SCHEDULE OF APPLICATIONS

**(1) Application : 11/00100/FUL**

**Applicant : Mr A. Mamos**

**Location : 36 Nottingham Street, Melton Mowbray LE13  
1NW**

**Proposal : Change of use from A1 to A3/A4 (cafe/restaurant)**

The Head of Regulatory Services stated that the application was for a change of use from a shop to a café and restaurant.

(b) Mrs Betty Richardson was invited to speak on the application and stated that :-

- her daughter and son in-law ran a restaurant in Melton
- their business would be adversely affected by this proposal
- the town centre was already saturated with eating and drinking premises
- church pastors gave up their weekends to assist with trouble in the town in the evenings
- there would be additional costs for street cleaning etc..

(c) Mr Mamos was invited to speak on the application and stated that :-

- Competition was not a planning consideration – but they were community minded
- they wished to provide locally sourced food and drink
- they wished to offer something different to what Melton already had to offer
- they had looked carefully at other business and were looking to fill gaps in the market
- they had received good support from the local community
- having more facilities in the town helped to attract more people to it
- the Town Centre Partnership wished to encourage the night time economy and café culture

The Head of Regulatory Services stated that the planning system was not there to limit or rule out competition. Councillor Holmes noted about sanitation. The Head of Regulatory Services stated that there had been comments about the internal layout - but this element had been agreed through the licence.

Councillor Moncrieff stated that he had a lot of empathy with Mrs Richardson, but noted that the town centre plan and planning law took the position that competition should be encouraged. Councillor Moncrieff moved to permit the application. Councillor Baguley was a seconder for this proposal.

On being put to the vote, the motion to permit was carried unanimously.

**DETERMINATION : Permit subject to the condition(s) listed within the Committee report and for the following reason(s) :-**

- 1. The proposal for the change of use to café during the day and restaurant during the evening would add to the consumer choice for the town centre and was considered to complement the existing facilities on offer. The location was considered to be acceptable in being within the town centre and accordingly meets the requirements of PPS4.**

**D81. OUTCOME OF REFERRAL TO SECRETARY OF STATE AND PROPOSED OPENING HOURS – SAINSBURYS**

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) to inform the Committee of the outcome of the referral process and consider the proposed opening hours for application 10/00178/FUL.

Councillor Botterill moved to suspend standing orders to allow additional speakers. Councillor Moncrieff was a seconder for this motion. On being put to the vote, this motion was carried unanimously.

(a) Mrs Collins was invited to speak and stated that :-

- she lived at 27 Nottingham Road – which was directly the other side of the embankment
- her property was less than 60 metres away from the service area
- she was concerned about the noise and opening hours
- the hours were too long - 8 a.m. – 6 p.m. were more appropriate opening hours
- the proposals would spoil the enjoyment of her home and garden
- there would be an increase in traffic and noise
- she used her garden a lot and this would impact on this considerably
- noise levels would increase
- how could the noise be monitored

(b) Councillor Dungworth was invited to speak on the application and stated that :-

- 10 p.m was a very late closing time
- there would be a significant noise level brought to a residential area
- light pollution would be a problem
- a compromise for the closing time would be 8 p.m.
- it was a residential area and the development would be a major retail development

(c) Mr M. Nicholson was invited to speak on the application and stated that

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- this was a very important commercial issue for the business
- a comprehensive noise report had been produced – the results from this report demonstrated that there would be no impact on neighbouring amenity
- the report had been produced on a worse case basis and working to near full capacity
- there had been a fully independent noise report
- the proposals had been scrutinised by Environmental Health
- there was a strong technical case for longer opening hours
- they had compromised due to the response from the Committee in January
- they needed to compete on a level playing field with other stores
- people needed flexibility when shopping
- the proposal would offer improved choice and competition
- Sainsbury's were a good neighbour
- he hoped the Committee would support the application

The Head of Regulatory Services stated that approval was recommended as the Environmental Health Officer considered that the noise level would not be exceeded due to the distance from the properties concerned and intervening features. The Head of Regulatory Services further stated that a separate condition detailing the lighting arrangements, was included in the Committee's resolution in January.

Councillor Moncrieff stated that there had been a lot of public consultation and nothing after 8 p.m. had been suggested throughout this consultation. Councillor Moncrieff stated that the local resident's group (RAGE) were disappointed with the proposals.

Councillor Moncrieff further stated that Stirling Road and Nottingham Road residents were going to be disrupted by light and noise pollution. Councillor Moncrieff moved to refuse the request. The Head of Regulatory Services clarified that it was not about proposing or refusing – it was related to condition 36 which meant that the hours quoted needed to be specified.

Councillor Moncrieff suggested a reconstruction of condition 36, with a suggested closing time of 8.00 p.m. Councillor Holmes stated that although she was very concerned about the impact on local residents. She was further concerned that Sainsbury's would lodge an appeal and then be granted 24 Hour opening.

The Head of Regulatory Services noted that they could not do anything about the applicant's right to appeal, but Sainsbury's had been unequivocal in the fact that they did not wish to have 24 hour opening. Councillor Holmes stated that deliveries needed to be done in the daytime. The Head of Regulatory Services stated that the terms for governing delivery hours and noise constraints had already been previously agreed.

Councillor Botterill moved to permit the proposed opening hours within the Committee report. Councillor Cumbers seconded this motion.

Councillor Baguley noted that she could not support the opening hours. Councillor Moncrieff stated that the hours put forward had not been discussed as part of the public consultation.

On being put to the vote, the motion to allow opening from 7 a.m. – 10 p.m. was carried with 4 in favour and 3 against. Councillors Moncrieff and Holmes requested that their votes against the decision be recorded).

The Head of Regulatory Services stated that there was an error on page 7 of the draft decision notice – the sentence beginning ‘Condition 16 and 17’ should be removed as it was an error.

Councillor Chandler enquired about condition 27 and which tree it was. The Head of Regulatory Services noted that he would report this information back to Councillor Chandler.

Councillor Moncrieff moved recommendation 2.2 in the Committee report. Councillor Chandler was a seconder for this proposal. On being put to the vote, this motion was carried unanimously.

**RESOLVED** that

- (1) approval was given to include the proposed opening hours, below, within the conditions of the decision notice;
  - 7:00am – 10:00pm Monday to Saturday, and;
  - 10:00am – 4:00pm Sunday
- (2) the Committee noted that the Secretary of State had declined to ‘call-in’ the application and agree that the conditions and ‘Article 31’ reasons for granting permission that comprise Appendix A of this report accurately represented the Committee’s intentions for determination of the application (subject to the amendment reported by the Head of Regulatory Services).

#### D82. DEVELOPMENT CONTROL PERFORMANCE 2010/11

The Head of Regulatory Services submitted a report (copies of which had previously been circulated) to advise the Committee of the Performance Indicator outcomes related to the determination of planning applications for Q4 (January to March 2011), the work.

Members congratulated the team on their work. Councillor Chandler noted that Melton Borough Council’s Development Team were one of the top performing teams nationally.

**RESOLVED** that the current performance data be noted.

*The Chairman, in exercising her statutory powers, agreed that the following item be considered as a matter of urgency due to the issue being raised following despatch of the agenda.*

D83. PROPOSED SUB-DIVISION OF AGRICULTURAL LAND OFF WELBY LANE, AB KETTLEBY

The Head of Regulatory Services submitted a report to seek the approval of the Committee to issue a direction under the provisions of Article 4 of the Town and Country Planning (General Permitted Development Order) 1995, as amended, to remove rights for to carry out certain 'permitted developments' on the land.

Councillor Chandler stated that Councillor D. Orson had expressed concern about this issue becoming a growing trend. Councillor Moncrieff moved recommendation 2.1 in the Committee report. Councillor Chandler was a seconder for this motion.

On being put to the vote, the motion to carry recommendation 2.1 (in the Committee report) was carried unanimously.

**RESOLVED** that Members agreed to the use of an Article 4 Direction as described removing the 'permitted development rights'.

The meeting which commenced at 6.00 p.m. closed at 6.52 p.m.

Chairman