Minutes

Meeting name	**Planning Committee**
Date	**Wednesday, 7 December 2022**
Start time	**6.00 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors

T. Webster (Vice-Chair)
C. Evans
J. Illingworth
R. Smith
P. Chandler
C. Fisher
D. Pritchett
S. Atherton (Substitute)

Officers

Planning Development Manager
Solicitor (TP)
Senior Planning Officer (AC)
Senior Planning Officer (RR)
Planning Officer (GE)
Democratic Services Officer (SE)
Democratic Services Officer (CT)

<table>
<tr><th>Minute No.</th><th>Minute</th></tr>
<tr><td>PL54</td><td>Apologies for Absence
Apologies for absence were received from Councillors Browne and Holmes. Councillor Atherton was appointed as Councillor Browne’s substitute.

Councillor Wood was not in attendance.</td></tr>
<tr><td>PL55</td><td>Minutes
The minutes of the meeting held on 10 November 2022 were confirmed as a true record.</td></tr>
<tr><td>PL56</td><td>Declarations of Interest
Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.

Application 20/00438/REM – Land at Sandy Lane, Melton Mowbray
Councillor Illingworth declared a personal and non-pecuniary interest in this application due to the potential for perceived bias and advised that he would leave the meeting for the item.

Application 21/00700/FUL - Field OS7858, Melton Road, Long Clawson
Councillor Pritchett declared a personal and non-pecuniary interest in this application and advised he would leave the meeting for the item.</td></tr>
<tr><td>PL57</td><td>Schedule of Applications</td></tr>
<tr><td>PL58</td><td>Application 20/00438/REM
<table><tr><td>Application:</td><td>20/00438/REM</td></tr><tr><td>Location:</td><td>Land at Sandy Lane, Melton Mowbray</td></tr><tr><td>Proposal:</td><td>Reserved matters of layout, scale, appearance and landscaping of 29 dwellings in association with outline approval 15/00537/OUT</td></tr></table>
(Councillor Illingworth here left the meeting due to his interest declared at minute PL56.)

The Planning Development Manager addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions set out at Appendix E.

Members raised concerns and the Planning Officer responded as follows:

• With regard to the right of way on the site, this was not part of the planning remit and was being dealt with separately as it was not part of this application</td></tr>
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Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

Councillor Tim Blewett, Burton and Dalby Parish Council

Martin Johnson, Objector

Lee Harris, Agent, Hayward Architects

Following the speaker's presentation the following points were noted:

- The ecology aspect was dealt with by an off-site approach and the scheme was not affected by the changes and they still needed to get the licences in place for the different species. The scheme did not affect their statutory obligations which were still intact
- Although this was outside the planning remit, they had attempted to liaise with neighbouring properties regarding the access and would continue to pursue these conversations
- The s106 agreement remained unaltered and should there be any changes proposed these would be through the proper consultation process

During debate the following points were noted:

- It was felt to be an unsustainable location with too many 5 bed houses
- A Member wished it to be recorded that he was very unhappy at the way this application had come to the Council and there was concern that a previous Planning Committee had approved the outline application and this Committee had to honour the development even though it was felt to be unsustainable in the middle of open countryside and was of inappropriate design for its location
- There was appreciation for the changes to the house designs and that the agent was trying to meet the Committee's requirements
- The Solicitor advised that the s106 agreement was agreed at the outline stage and was legally enforceable
- There was concern that the developer may ask for an amendment to the s106 agreement
- The Solicitor advised that any future application relating to the s106 agreement could be called in by the Committee

Councillor Smith proposed that the application be approved. Councillor Pritchett seconded the motion.

RESOLVED

That the application be APPROVED subject to the conditions set out at Appendix E.

(7 for, 1 against)
(Councillor Chandler requested that her vote against the preceding decision be recorded.)

REASONS

Outline permission with access via Sandy Lane has granted permission for residential purposes securing the principle of development and the residential use being established and acceptable. This was under reference 15/00537/OUT.

Following the 10 November 2022 committee officers held further discussions with the applicant and agent that have resulted in further amended plans having been provided relating to house design, housing mix and layout.

The development results in a variety of single and two-storey house types of differing designs, appearances and heights providing a variety within the site that relates to the development as a whole. The layout serves to provide a welcoming entry point from which the scheme develops in terms of the housing, around which, significant landscaping is proposed that enhances the development whilst also providing good levels of screening between the development and the adjacent Scheduled Ancient Monument.

The submission, through the receipt of amended plans and documents following productive dialogue with the agent and applicant taking account of consultee comments, represents an acceptable form of development through the reserved matters of layout, appearance, scale and landscaping. Whilst a number of objections have been received, officers consider that the development as currently proposed and taking account of the amended plans, satisfactorily addresses concerns raised.

It is considered that the development complies with policies within the Adopted Melton Borough Council Local Plan and the emerging Burton and Dalby Neighbourhood Plan.

(Councillor Illingworth here re-joined the Committee.)

PL59 **Application 21/00415/FUL**

Application:	21/00415/FUL
Location:	Pera Business Park, Nottingham Road, Melton Mowbray
Proposal:	Redevelopment of Pera Business Park garden to 70 bed dementia care home and 22 extra care apartments with associated parking and landscaping, with access via the existing business park entrance

The Planning Development Manager addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions set out at Appendix C and a Section 106 Agreement.

The Planning Development Manager advised that a detailed update had been received setting out the need for the facility which confirmed there was context as well as sustainability for the development.

Members raised concerns and the Planning Officer responded as follows:

- The report showed the amounts submitted relating to the s106 payments for the NHS, affordable housing etc
- A fixed shut solution was proposed for the windows to help minimise the sounds from the Cattle Market etc and the detailed specification was still to be submitted
- It was noted there was a mistype on the number of staff on site which should read there was a range of full and part time of 23-28 staff rather than as stated of 28 staff per shift rota
- Parking had been assessed by the County Highways and was considered appropriate to the needs of the development taking account of the sustainable location and availability of public transport and local housing
- Also there had been compromise on parking with landscaping and retention of trees
- It was noted that parking was limited to the site plan. It was suggested there could be use of other parking on the wider site should this be required however this was not part of the application

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

James Botterill, Agent, HSSP Architects

Following the speaker's presentation, the following points were noted:

- In terms of parking, the site has been designed to stand alone and from research and experience of other care home sites, there was no need for an overfill facility. The same parking standards had been applied as to other sites which had underused parking areas
- The site was sustainable with good transport links as well as close to town for those able to walk
- There was storage for buggies and cycles on the site

During debate the following points were noted:

- There was a view that this type of business did not promote the economy and it was questioned whether the service was needed especially in this location
- The majority felt the facility was needed but there were reservations on the location due to the noise of the Cattle Market and the loss of green space
- With advanced technology in noise insulation, it was felt there would be a solution for any noise issues

- It was felt that expansion of the Pera site was a positive move and the care home would create employment opportunities as well as provide a much needed service
- The Planning Development Manager advised that conditions 18 and 19 covered the finalising of noise and vibration and Environmental Health was involved in any mitigation measures and the discharge of these conditions
- There was a suggestion for deferral to gather more information on the sealed windows, aircon and noise matters
- The Solicitor advised that the condition details were not relevant at this stage and these matters and the windows specification were still to be finalised

Councillor Illingworth proposed that the application be approved. Councillor Pritchett seconded the motion.

RESOLVED

That the application be APPROVED subject to the conditions set out at Appendix C and a Section 106 Agreement for the following:

a) Travel Packs for each employee to inform them what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

b) A six month bus pass per employee (one application from to be included in Travel Packs and funded by the developer (can be supplied through LCC at (average) £510.00 per pass)

c) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.

d) This travel plan will be monitored by LCC Officers for the five-year duration of its life. Fees for this service are set at £6,000.00 for a travel plan.

e) 2 of the apartments (10% of the 22 extra care apartments) to be affordable or an off site provision in the form of dwellings or as a financial commuted sum.

f) £21,077.60 contribution to East Leicestershire and Rutland Clinical Commissioning Group for the provision of a second surgery in Melton.

(5 for, 1 against, 3 abstentions)

(Councillor Fisher left the meeting at 6.44 pm and returned at 6.45 pm and was present for the vote.)
(Councillor Smith left the meeting at 6.45 pm and returned at 6.46 pm and was present for the vote.)

REASONS

The proposal has been amended following negotiations with the applicant and concerns raised during the consultation period and as amended would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping and reduced scale and would not compromise residential amenity of either existing or future occupants of the area.

Melton has an ageing population, and the town has a need for extra care facilities to cope with the demographic change, ideally these facilities should be located no more than half a mile from the town centre, where there are no significant gradients, so that residents can visit the town centre and maintain social contact with the community.

The revised design and scale of the proposal has overcome initial concerns regarding the impact on the character and appearance of the site and wider locality along with the conflict between the compatibility of residential proposals alongside existing commercial land.

Furthermore, there have been no adverse impacts identified by statutory consultees that cannot be overcome by the provision of conditions requesting the submission of further details.

The proposal accords with the requirements of Policies SS1, SS2, and specifically Policy C2 with regards to proposals for retirement homes, sheltered homes and care homes.

(There was a short comfort break adjournment before the next application.)

PL60

Application 21/00700/FUL

Application:	21/00700/FUL
Location:	Field OS 7858, Melton Road, Long Clawson
Proposal:	New office building with ancillary bike / bin shed and parking

(Councillor Pritchett here left the meeting due to his interest declared at minute PL56.)

The Planning Officer (GE) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions set out at Appendix C.

Members raised concerns and the Planning Officer responded as follows:

- The design had been changed to include traditional materials and to reflect the rural setting and this was considered to be complementary to the design of the businesses nearby and in accordance with the Neighbourhood Plan policy.
- With regard to the Parish Council's consultation response at Appendix A, the policies listed were not relevant and the wrong policies were quoted however as

a precis the material points were covered.

There were no public speakers. However it was noted that the Parish Council had circulated information to the Committee on the previous evening but no representative had been available to attend the meeting.

During debate the following points were noted:

- There was concern that the development would obstruct the view to the hills at the back and the Neighbourhood Plan referred to the views being preserved
- It was felt the development did not confirm with the Neighbourhood Plan and this business would stand alone and businesses such as this should be located with the other business units
- It was considered that the application should be rejected for the reasons given in the Parish Council's submission, particularly under policy EC2
- The Solicitor explained that reasons were needed for why Members felt the view was not respected
- It was mentioned that under policy EC2, 6 employees did not bring a significant boost to the rural economy
- Under policy EC2 it was mentioned that businesses should be grouped together
- It was felt to be in conflict with Neighbourhood Plan policy 14 at Long Clawson as the housing was being pushed deliberately up the hill
- The wording for a refusal was discussed that the location of the office block would result in the loss of an important view as detailed in the Neighbourhood Plan and in Policy EN8 of the Local Plan

Councillor Evans proposed that the application be refused. Councillor Illingworth seconded the motion.

RESOLVED

That the application be REFUSED, contrary to the officer recommendation, for the reasons given below.

(5 for, 3 against)

REASONS

The impact of the development by virtue of the location of the office block would not preserve the protected views outlined in Policy ENV8 of the Neighbourhood Plan.

(Councillor Pritchett here re-joined the Committee.)

PL61 **Application 22/00729/VAC**

Application:	22/00729/VAC
Location:	Hillcrest, 29 Main Street, Eaton
Proposal:	Variation of condition 2 of planning approval 20/00538/FUL dated 14/8/2020 to amended approved plans, including amendments to the windows and doors

The Planning Development Manager addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions set out at Appendix C.

Members raised concerns and the Planning Officer responded as follows:

- The ground levels had changed to level the plot
- The roofline remained the same

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

Councillor Tim Blewett, Burton and Dalby Parish Council

Ian Thompson, Objector

Following the speaker's presentation the following points were noted:

- The ground level had increased by 2.9m from the original plans but had not been enforced or followed up
- The impact of the increase affected the view of the neighbours and made the new property more dominant
- Some windows were to be obscured to stop overlooking into neighbouring gardens
- The house was situated downhill therefore there was no impact on houses up the hill
- A new hedge was to be planted and there was concern that it would take years to grow to the previous height of 3m
- The gates would be set back from the road by 5m to assist with visibility
- No objections had been raised by the County Highways Authority

Nick Bacon, Agent, Architecture Design and Planning Consultancy

Following the speaker's presentation the following points were noted:

- The hedge was removed to allow for visibility splays and the contractor had removed more than was required
- The Enforcement Officer had accepted the remedial proposal to plant a new hedge which had been completed
- The site was sloping in 2 directions and the levelling changes were for practicality and to provide a level access to enter the site
- Although the separation distances were adequate, neighbours felt differently and the developer offered to install obscure glazing

During debate the following points were noted:

- The Solicitor advised that any potential breaches of enforcement were not relevant to this application

	Councillor Chandler proposed that the application be approved. Councillor Atherton seconded the motion. **RESOLVED** **That the application be APPROVED subject to the conditions set out at Appendix C.** (8 for, 1 against) **REASONS** The amendments that comprise the application – both to be retained and those proposed - are appropriate and respectful to the design, appearance, scale, bulk and massing of the dwelling originally approved. Through amendments made in the processing of the application comprising obscure glazing windows and landscaping including the provision of a native hedgerow, the proposal will not result in any adverse or detrimental impacts on the amenity of neighbouring and surrounding dwellings. There will be no impact on highway safety and sufficient on-site parking provision is made. Further, the proposed landscaping and replacement native hedgerow are acceptable and allow for the safe movement of badgers. It is considered that the proposal complies with adopted policies in the Melton Local Plan and is acceptable. (In accordance with the procedure rule relating to the duration of a meeting, it was agreed that the meeting continue beyond 3 hours should this be required.)
PL62	**Planning Performance Report - Quarter 2 - 2022/23** The Planning Development Manager submitted a report which set out the Planning Performance for Quarter 2: 1 July to 30 September 2022. There was appreciation for the hard work of the team as the service had been subject to a heavy workload and backlog which was now being addressed. The report was duly noted.
PL63	**Urgent Business** There was no urgent business.

The meeting closed at: 9.00 pm