

Agenda

Meeting name	Planning Committee
Date	Thursday, 16 January 2025
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 8 January 2025

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES (a) To confirm the minutes of the meeting held on 21 November 2024 (b) To confirm the minutes of the special meeting held on 10 December 2024 (c) To confirm the minutes of the meeting held on 18 December 2024	1 - 20
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	21 - 22
4.	SCHEDULE OF APPLICATIONS	
4.1	APPLICATION 24/00551/FUL 7 Garden Lane, Melton Mowbray	23 - 36
4.2	APPLICATION 24/01019/GDOPV Waterfield Leisure Centre, Dalby Road, Melton Mowbray	37 - 44
4.3	APPLICATION 24/01028/GDOPV Melton Sports Village, Burton Road, Melton Mowbray	45 - 50
5.	URGENT BUSINESS To consider any other business that the Chair considers urgent	



Minutes

Meeting name	Planning Committee
Date	Thursday, 21 November 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)	P. Allnatt
I. Atherton	S. Atherton
R. Browne	P. Cumbers
M. Glancy	M. Gordon
D. Pritchett	R. Sharp (Substitute)

Officers

- Assistant Director for Planning
- Planning Development Manager
- Legal Services Manager
- Planning Development Team Leader (CP)
- Planning Development Team Leader (RR)
- Planning Officer (AS)
- Democratic Services Officer (SE)
- Democratic Services Officer (BG)

Minute No.	Minute
PL45	<p>Apologies for Absence An apology for absence was received from Councillor Higgins and Councillor Sharp attended the meeting as his substitute.</p>
PL46	<p>Minutes The minutes of the meeting held on 24 October 2024 were confirmed as a true record.</p>
PL47	<p>Declarations of Interest Minue PL49 – Application 23/00870/FUL Land OS 471599 310649, Leicester Road, Twyford and Thorpe</p> <p>Councillor Glancy declared that there could be a public perception of bias due to her family connections in the area therefore she would take no part in the determination of the application, leave the committee and move into the public gallery.</p> <p>Councillor Glancy here moved into the public gallery.</p>
PL48	<p>Schedule of Applications</p>
PL49	<p>Application 23/00870/FUL Location : Land OS 471599 310649, Leicester Road, Twyford and Thorpe Proposal : Installation of a ground mounted solar farm and associated ancillary works</p> <p>The Planning Officer (AS) addressed the committee and provided a summary of the application. She reported that an objection had been received from Gaddesby Parish Council that was not included in the report. The objection related to the potential increased risk of flooding in Gaddesby parish and the impact of construction traffic in the villages. These matters were considered in the report. An update to the noise impact assessment had also been received which clarified an error of the number of inverters and substations proposed within the survey and the site layout plan. The noise assessment was now in accordance with the proposed 4 inverters and 1 substation as shown on the site layout. The proposed noise levels of the updated assessment were still under the background noise levels recorded at the sensitive receptors in close proximity to the site and therefore the assessment at paragraph 8.5.6 of the report was still relevant.</p> <p>Members asked questions for clarification.</p>

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 three minute presentation:

Chris Atkinson, Applicant, made the following points:

- In 2019, Melton Borough Council declared a climate emergency and set an aim to being a carbon neutral Borough by 2030
- This solar farm application would go some way to achieving those goals in providing enough solar energy to power 4,000 homes with green energy
- They had been working to resolve all issues raised by consultees on the application since September 2023 which had now culminated in no objections and a recommendation for approval
- For reference he requested that the Twyford and Thorpe Satchville Parish Council's assertion that the scheme had significantly increased in scale during the course of the application was incorrect and should be disregarded
- Solar farms created minimal impermeable areas and the drainage scheme put forward was designed to manage surface water on site and discharge off-site at existing rates and in this instance the proposal offered significant betterment in future-proofing and over-sizing that had been designed into the scheme
- No objections had been raised by the technical consultees

Councillor Higgins, Ward Councillor, made the following points:

- The Government and the Council needed to develop a solar farms policy as he considered such applications would become prolific and flood planning authorities all over the country
- The Parish Council Chair had previously attended Planning Committees to talk about the impact of applications on flooding in Twyford and thanked him for his commitment in raising these concerns
- The Lead Flood Authority had refused to meet with him and the Environment Agency had raised no objection but he understood they did not look at the application if it was in flood zone one. He felt the statutory bodies did not understand the issues faced in Twyford and the parishioners were being let down
- Twyford had been the subject of projects by the Environment Agency which had alleviated flood risk but something had happened to change that position in that a planning application had been approved where the design and access statement and the flood risk assessment did not meet the built form which had resulted in the displacement of half a million litres of water and no responsibility had been taken to resolve this
- He would like to see flood risk assessments before permission was passed rather than set by condition and to be able to engage properly with the LLFA to ensure that Twyford was not at any more future risk of flooding that would affect local people and their properties

Councillor Mason requested that it be recorded that the application could be 'called in' should the drainage scheme not meet the required standard.

Councillor Ian Atherton proposed the recommendation in the report with an additional condition that no construction shall commence until the electricity grid connection had been approved. Councillor Sharp seconded the motion.

RESOLVED

That the application be **APPROVED** subject to the conditions as listed in detail at section 10 of the report and an additional condition that no construction shall commence until the electricity grid connection had been approved.

(5 for, 3 against, 2 abstentions)

REASONS

The reasons for approval were as outlined in the report.

PL50	Urgent Business There was no urgent business.
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The meeting closed at: 7.30 pm

Minutes

Meeting name	Planning Committee
Date	Tuesday, 10 December 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair Councillor A. Thwaites (Chair)

Councillors

J. Mason (Vice-Chair)	P. Allnatt
I. Atherton	S. Atherton
M. Glancy	M. Gordon
D. Pritchett	S. Butcher (Substitute)
R. Sharp (Substitute)	

Officers

- Assistant Director for Planning
- Planning Development Manager
- Legal Services Manager
- Planning Development Team Leader (CP)
- Planning Development Team Leader (RR)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

Minute No.	Minute
PL51	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillors Cumbers and Higgins. Councillor Sharp attended as substitute for Councillor Cumbers and Councillor Butcher substituted for Councillor Higgins.</p> <p>There was an apology for late attendance for Councillor Ian Atherton. Councillor Ronan Browne was not present.</p>
PL52	<p>Declarations of Interest</p> <p>There were no declarations of interest.</p>
PL53	<p>Schedule of Applications</p> <p>The Legal Services Manager explained that the three applications before the committee were intrinsically linked and formed part of a wider master planned area. The first agenda item was an overarching report on the masterplan and it would explain how the applications were connected and was an item for noting. The individual applications would then follow for the committee's determination.</p>
PL54	<p>Melton NSN Masterplan Overarching Report</p> <p>The Assistant Director for Planning submitted a report that provided the overarching context in respect of the MNSN as defined within policy SS5 of the adopted Melton Local Plan and the approved Masterplan.</p> <p>The Chair acknowledged the immense amount of work in bringing these three applications to the committee and expressed his thanks to all those involved.</p> <p>The Chair moved the recommendation to note the report.</p> <p>Councillor Allnatt seconded the motion and commented that the reports were clear and thorough and thanked all those involved. He said that he hoped to avoid the mistakes of the past in terms of open space and where appropriate these lands be handed over to the Council to ensure they were properly looked after. He also had concerns about the trade off of affordable housing and viability.</p> <p>The Assistant Director for Planning responded that none of the developments were to handover the open spaces to the Council as this would involve a commuted sum that had not been worked into the viability. In each case, this land was to be maintained by management companies. She suggested that Members check that they were satisfied with the conditions on each application. With regard to viability, she advised that there is the ability under planning law for developers to come back at a future point and renegotiate should the situation change. However, she gave assurance that officers had spent time going through the viability assessments for each application, they had also been independently assessed as well as been assessed by the County Council.</p>

RESOLVED

That the detail of this report, the Local Plan Strategy, and the approved Masterplan be noted in order to proceed to determine the three outline planning applications on land between Salford Road and Melton Spinney Road, on land forming part of the Melton North Sustainable Neighbourhood as defined in the adopted Melton Local Plan.

(Unanimous)

(Councillor Ian Atherton entered the meeting at 6:06pm during the officer presentation of the above item.)

PL55

Application 21/01198/OUT

Location: Fields south of Spinney Farm, Melton Spinney Road, Melton Mowbray

Proposal: Outline planning application (with all matters reserved apart from access) for construction of a residential-led mixed use development to provide up to 480 dwellings (market and affordable housing), potential land for an additional new primary school, open space, landscaping, new vehicular access points from Melton Spinney Road and adjacent consented Taylor Wimpey Development and associated infrastructure (Taylor Wimpey (UK) Limited)

The Planning Development Team Leader (RR) addressed the committee and provided a summary of the application. He advised the Council's Conservation Officer's comments had been omitted from the report. The Conservation Officer had no objections to the proposal and requested a condition relating to a heritage impact assessment and this be included on all three applications. They had acknowledged Historic England and the LCC Archaeology unit's comments who had assessed the below ground heritage assets based on the submitted documents.

The Planning Development Team Leader also reported that there had been a transposing of numbers in the S106 contributions relating to the SEND amount and the sum should read £177,059.85 and not £177,095.85 as stated in the report.

Members asked questions for clarification.

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 three minute presentation:

- Nicola Willder, Applicant, Taylor Wimpey

Councillor Allnatt proposed the recommendations in the report with an additional condition relating to the provision of a heritage impact assessment, the amendment to the SEND amount in the S106 allocation and the sum read £177,059.85 and not £177,095.85 and subject to an amendment to condition 10.6 to include reference to the landscaping being completed before 'first occupation' to align with the associated reason.

Councillor Pritchett seconded the motion.

RESOLVED That the application be APPROVED subject to

(1) an additional condition relating to the provision of a heritage impact assessment;

(2) an amendment to condition 10.6 to include reference to the landscaping being completed before 'first occupation' to align with the associated reason;

(3) conditions as listed in detail at section 10 of the report informatives and the following Section 106 contributions:

- **7.5% affordable housing with a 50:50 split between first homes and affordable rent;**
- **£404,494.40 toward primary care;**
- **£3,779,995.67 to LCC Highways toward strategic road improvements (MMDR);**
- **£489,401.28 to LCC Education toward Brownlow Primary School;**
- **£3,959,067.91 and 2ha land for LCC Education toward primary education;**
- **£1,412,250.74 LCC Education toward secondary education;**
- **£202,074.45 LCC Education toward post 16 education;**
- **£177,059.85 LCC Education toward SEND education; and**
- **£20,000-£30,000 passive provision of a signal crossing over the MMDR**

(Unanimous)

REASONS

The reasons for approval were as outlined in the report.

PL56

Application 21/00973/OUT

Location: Fields OS 2555 2928 0929 8230, Scalford Road, Melton Mowbray

Proposal: Outline planning application (all matters reserved) for a phase of the Melton North Sustainable Neighbourhood, comprising up to 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works (Barwood Development Securities Ltd)

The Planning Development Team Leader (RR) addressed the committee and provided a summary of the application. Members asked questions for clarification.

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 three-minute presentation:

- David Bainbridge, Agent, Savills

Councillor Allnatt proposed the recommendations in the report with an additional condition relating to the provision of a heritage impact assessment, and an extension of Reserved Matters from 3 to 5 years.

Councillor Mason seconded the motion.

RESOLVED That the application be APPROVED subject to

(4) an additional condition relating to the provision of a heritage impact assessment;

(5) an extension of Reserved Matters from 3 to 5 years.

(6) conditions and informatives detailed in Section 10 of this Report; and

(7) a Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) securing the following;

- **7.5% affordable housing on a 50:50 affordable rent and first time ownership split;**
- **£5,347,766.72 paid on a per dwelling basis equating to £9,300.46 per dwelling towards strategic highway improvements**
- **£8,845,087.28 paid on a per dwelling basis equating to £15,382.76 per dwelling towards education based on;**

a) £692,382.92 toward Brownlow Primary School ;

b) £5,617,345.12 toward primary education;

c) £2,001,463.16 toward secondary education;

d) £283,399.82 toward post 16 education; and

e) £250,496.26 toward SEND education.

- **£482,154.75 paid on a per dwelling basis equating to £838.53 per dwelling toward the provision of an additional GP surgery (primary care) and**
- **£359,200 for ecological enhancement works in the Melton Country Park**

(9 for, 1 against, 0 abstentions)

REASONS

The reasons for approval were as outlined in the report.

PL57

Application 21/00989/OUT

Location: Fields OS 5316 and 4210, Scalford Road, Melton Mowbray

**Proposal: Outline planning application (with all matters reserved apart from access) for the residential development of up to 175 dwellings with associated landscaping, allotments, community orchard, play area, open space and infrastructure
(William Davis)**

The Planning Development Team Leader (RR) addressed the committee and provided a summary of the application. Members asked questions for clarification.

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 three minute presentation:

- Tom Dillarstone, Applicant, William Davis

Councillor Allnatt proposed the recommendations in the report with an additional condition relating to the provision of a heritage impact assessment.

Councillor Siggy Atherton seconded the motion.

RESOLVED That the application be APPROVED subject to

(8) an additional condition relating to the provision of a heritage impact assessment;

(9) conditions as listed in detail at Section 10 of this report, informatives and a Section 106 legal agreement with the following provisions:

- **7.5% affordable housing with a 50:50 split between 1st homes and affordable rented housing;**
- **£103,400.00 toward Melton Country Park for use towards improvements and ecological legislation requirements;**
- **£146,742.75 still toward primary care in Melton for the NHS;**

(A) LCC Education contribution comprising:

- **£207,363.79 towards Brownlow Primary School;**
- **£1,679,356.76 toward primary education on a "per dwelling" amount equating to £9596.32 per dwelling;**
- **£590,006.04 towards secondary education on a "per dwelling" basis equating to £3,371.46 per dwelling;**
- **£87,333.19 towards post 16 education on a "per dwelling" basis equating to £499.05 per dwelling; and**
- **£74,396.68 towards SEND education on a "per dwelling" basis equating to £425.12 per dwelling;**

(B) LCC Highway Authority contribution comprising:

- £1,588,271.54 towards strategic road improvements to be provided on a “per dwelling” approach equating to £9,075.83 per dwelling;
- A Construction Traffic Routing Agreement.

(Unanimous)

REASONS

The reasons for approval were as outlined in the report.

The meeting closed at: 7.43 pm

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Minutes

Meeting name	Planning Committee
Date	Wednesday, 18 December 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH

Present:

Chair J. Mason (Vice-Chair, in the Chair)

Councillors

I. Atherton	R. Browne
M. Glancy	M. Gordon
L. Higgins	D. Pritchett
A. Freer (Substitute)	R. Sharp (Substitute)

Officers

- Legal Services Manager
- Planning Development Manager
- Planning Development Team Leader (CP)
- Planning Officer (MK)
- Senior Democratic Services and Scrutiny Officer
- Democratic Services Officer (HA)

Minute No.	Minute
PL58	<p>Apologies for Absence Apologies for absence were received from Councillors Allnatt, S. Atherton, Cumbers and Thwaites.</p> <p>Councillor Freer was in attendance as substitute for Councillor S. Atherton and Councillor Sharp was in attendance as substitute for Councillor Thwaites.</p>
PL59	<p>Minutes Minutes of the meeting held on 21 November 2024 were deferred to allow the speakers comments to be added.</p> <p>At 6:05pm, during the consideration of this item, Councillor I. Atherton entered the meeting.</p>
PL60	<p>Declarations of Interest No declarations of interest were received.</p>
PL61	<p>Schedule of Applications</p>
PL62	<p>Application 24/00793/FUL Location: Ashby Folville Manor, Gaddesby Lane, Ashby Folville, LE14 2TG Proposal: Partial demolition and remodelling of derelict lodge to create annex to the Manor including access works; erection of 5no. cottages; reinstatement of the former driveway and gates to the Manor and reinstatement of parkland in place of modern driveway; resurfacing of driveway and hardstanding surrounding the Manor; and restoration of bridge</p> <p>The Planning Officer (MK) addressed the Committee and provided a summary of the application. Members asked questions for clarification.</p> <p>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 three minute presentation:</p> <ul style="list-style-type: none"> • John Simon, Gaddesby Parish Council <ul style="list-style-type: none"> - Parish Council opposes application as it is contrary to Local Plan and the Gaddesby Neighbourhood Plan. - Location is unsustainable and lacks amenities. - No proven need for development within parish. - Two-bedroom houses but with rooms that can be converted into an additional bedroom which would exacerbate parking provision. • Sharon Butcher, Supporter <ul style="list-style-type: none"> - Applicant has done all they can to comply. - Applicant wants to rebuild the gate house and enhance the heritage.

- Chris May, Agent
 - Applicant has listened to concerns and amended accordingly.
 - Few objections out of a population of 800.
 - Scheme delivers heritage benefits.
 - Replacement of two five-bedroom cottages and with five cottages is more in keeping with the area.
 - Lodge has deteriorated and needs urgent restoration.
- Councillor Child, Ward Councillor
 - Only element that would bring a benefit is the partial demolition of the lodge.
 - Rest of the planning would have a detriment to the area.
 - New housing would be contrary to local plan and Neighbourhood Plan.
 - Proposed development is neither necessary or appropriate.

A Member commented that they were unsure how to balance up the policies with the heritage benefit.

The comment was made that the Committee are informed that they have to adhere to the policies and the application is contrary to the policies SS1, SS2 and SS3.

It was noted that the application is in an unsustainable location and that there is limited heritage to be gained.

Councillor Browne proposed to refuse the application and Councillor Pritchett seconded the motion.

RESOLVED

That the application be REFUSED.

(For 7, Against 2, Abstentions 0)

Pursuant to the Constitution, Chapter 3, Part 1, Procedure Rule 17.6, Councillor Glancy indicated that her vote against the motion be recorded.

REASONS

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of five additional dwellings in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policies, SS1, SS2 and SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Policies HBE1 and HBE3 of the adopted Neighbourhood Plan. The limited heritage benefits of the proposal do not outweigh the significant harm that would be caused by the unsustainable location of the development.

Application 22/00404/FUL**Location: Field OS 4100, Lake Terrace, Melton Mowbray****Proposal: Erection of 70no. dwellings with associated vehicular access, parking, landscaping and public open space (as amended).**

The Planning Officer (MK) addressed the Committee and provided a summary of the application. Members asked questions for clarification.

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 three minute presentation:

- Lance Wiggins, Agent
 - Revised the application in order to address concerns.
 - Scheme would provide 60 small houses and bungalows.
 - Also 10 houses would be for affordable housing and social rent.
 - Viability assessment has been independently verified and it was confirmed that it is viable so long as no contributions towards infrastructure are made.

During the debate it was commented that the application is in town, provides smaller sized houses and meets all local plan policies. There is no infrastructure levy, but the application satisfies statutory agencies.

Concerns were raised over water level near the site

Another comment recognised that it is a big site with a lot of affordable houses and whilst it is geographically close, residents wouldn't be able to safely cross the road. The application satisfies the policy but doesn't support the community.

A further comment was made that whilst the housing mix is good, albeit the housing is too close together, the site isn't viable as there is no infrastructure funding or section 106.

Overall, the Committee were concerned about the lack of infrastructure funding from the site.

It was noted that the proposal would not make any contributions towards infrastructure requirements, due to viability reasons, thus giving rise to a significant conflict with Policy IN3 of the Local Plan and the Council's Developer Contributions SPD.

Councillor Higgins proposed a deferment and Councillor Gordon seconded the motion.

RESOLVED**That the application be DEFERRED.**

(For 5, Against 1, Abstentions 3)

REASONS

To allow Officers time to seek infrastructure funding from the developers for the proposal.

At 7:27pm, the meeting was adjourned.

At 7:31pm, the meeting was reconvened.

At 8:10pm, upon the conclusion of this item, Councillor Higgins left the meeting and did not return.

PL64

Application 24/00352/FUL

Location: The Bungalow, 25 Main Street, Holwell, Leicestershire, LE14 4SZ

Proposal: Change of Use of Existing Paddock to Residential Curtilage and Extension and Alterations to existing Dwelling.

The Planning Development Team Leader, Chhaya Pancholi, addressed the Committee and provided a summary of the application. Members asked questions for clarification.

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 three minute presentation:

- Simon Wilkinson-Blake, Objector
 - One of 20 objectors.
 - Size of development is inappropriate for the area.
 - Result in substantial harm to the conservation area.
 - Harmful impact upon the neighbourhood dwelling.
 - Development into open countryside.
- James Botterill, Agent
 - Existing property is in need of renovation.
 - Opportunity to create a building with a better design.
 - Existing property makes a negative impact but the application would have a positive impact upon the conversation scheme.
 - No material harm to surrounding neighbourhood properties.
- Councillor J. Orson, Ward Councillor
 - Unspoilt village.
 - Unusual for applications to cause an issue.
 - 20 comments from 19 households.
 - Residential curtilage and don't know why it is necessary.
 - There would be impact upon visual on two residential properties.

It was noted that the application would have an impact on the neighbour and paddock.

Applicant and agent has been working with Planning Officers. In terms of building out, the building wouldn't stick out too much when compared to the rest of the street.

Councillor Pritchett proposed to accept the application with the conditions that work would only take place between 8am and 5pm Monday to Friday and 9am to 12pm on Saturday and conditions outlined within the report. Councillor Glancy seconded the motion.

RESOLVED

That the application be APPROVED.

(Unanimous)

REASONS

An extension to a residential dwelling represents sustainable development and so is acceptable in principle in accordance with Local Plan policy SS1. The principle of the proposed change of use of part of the existing paddock to residential curtilage is supported under policy SS2 taking into account the limited expansion of the residential curtilage within the site context, and the fact that extensions an existing dwelling is a form of development considered necessary and appropriate within the open countryside.

The planning policy context has changed significantly between the 2004 application for extensions to the existing bungalow which was refused and the outline consent in 1984. The application is supported by a Heritage Statement, the scheme adequately shows the proposed development would have a neutral impact upon Holwell Conservation Area and the setting of the adjacent listed cottages would be preserved in accordance with Local Plan policy EN13. The design of the proposed extension seeks to replicate the form of the neighbouring traditional agricultural outbuildings and the pallet of materials proposed would reference the local vernacular as required by Neighbourhood Plan H4. Therefore the siting, scale and design of the proposal is considered acceptable and would not result in an incongruous form of development in this location. There are also no identifiable adverse impacts on the character of the application site or wider settlement.

As a result of the segregated pedestrian access gate the proposal would represent a betterment to the treatment of the PROW which passes through the site. Furthermore, the proposal is acceptable in terms of its potential impacts on neighbouring residential amenity, highway safety and ecology. The development therefore also accords with Policies EN1, D1 and IN2 of the Local Plan in these respects.

PL65	Urgent Business There was no urgent business.
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The meeting closed at: 8.53 pm

Chair

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MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.



Planning Committee

16 January 2025

Report of: Assistant Director for Planning

Reference: 24/00551/FUL

Proposal: Change of classification from a dwelling house (Class C3) to a residential institution (Class C2)

Site: 7 Garden Lane, Melton Mowbray, Leicestershire, LE13 0SJ

Applicant: Mr Joseph Rafter

Planning Officer: Mrs Helen White

Report Author:	Helen White , Planning Development Officer
Report Author Contact Details:	Telephone helenwhite@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr. Jim Adcock, Cllr. Siggie Atherton, and Cllr. Helen Cliff
Date of consultation with Ward Member(s):	10 July 2024
Exempt Information:	No

Reason for Committee Determination:

The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SECGXIKOMPV00>

What 3 words: <https://what3words.com/broad.arch.reds>

RECOMMENDATION(S)

1. It is recommended that the Planning Application be **APPROVED** subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary



- 1.1 The application seeks full planning permission for the change of use of a dwelling house (Use Class C3) to a residential institution, specifically a children's care home (Use Class C2) for up to three young people.
- 1.2 The application site is located in Melton Mowbray, to the north-west of the town centre and comprises a 6 bedroomed detached property. Two of the bedrooms, bathroom, lounge, and kitchen are located within an attached annex. Within the main dwelling are 4 bedrooms, lounge, kitchen, dining room, utility room, bathroom, downstairs WC, and garage.
- 1.3 No physical alterations are proposed to the existing building which would constitute development in accordance with Section 55 of the Town and Country Planning Act 1990. The application is for a change of use to the property from a dwelling house to a children's care home, planning use class change from C3 to C2.

- 1.4 There is sufficient space within the application site, to the front of the existing dwelling, to allow for off-street parking provision for 3 vehicles, which is in-line with the requirements of for a dwelling of this size as set out in the Leicestershire Highway Design Guide (LHDG). The LHDG requires dwellings with more than three bedrooms to have a minimum of three parking spaces available for use in perpetuity.
- 1.5 The impact of the proposal on the amenity of neighbouring residents has been assessed and is considered to be acceptable. This is due to the residential nature of the proposed development, and the limitations of the number of residents receiving care to be secured by planning conditions.
- 1.6 The proposed development would therefore accord with Policies SS1, C2, C9, D1 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

Main Report

2 The Site

- 2.1 The application site comprises an existing two storey, detached six-bedroom dwelling with associated residential curtilage within the built-up area of Melton Mowbray.
- 2.2 Access is provided from Garden Lane (an unclassified road) and the front garden comprises a large area of hardstanding for multiple vehicles. There are no parking restrictions along the adjacent section of Garden Lane which, if necessary, would provide for on street parking.
- 2.3 There is a timber shed located at the rear of the dwelling within the private garden area which is used for ancillary storage.
- 2.4 The two-storey dwelling overlooks its private garden to the west, which runs parallel with the rear elevations of 57-63 Highfield Avenue. There are multiple trees contained within the curtilage of the dwelling which would be maintained.
- 2.5 The boundary treatments of the site are predominantly timber fencing with mature shrub and tree planting. Further fencing and gates are provided to the side of the dwelling, providing safe and secure access to outdoor space.
- 2.6 The site is surrounded by neighbouring dwelling houses. In addition, the car park serving Welby Lane Mission Church is accessed off Garden Lane to the south east of the site.

3 Planning History

- 3.1 There is no recent or relevant planning history for the site.

4 Proposal

- 4.1 Full planning permission is sought for the change of use of an existing dwelling Use Class C3 to Use Class C2. It is intended to operate the property as a Children's Care Home by the applicant for up to 3 young people.
- 4.2 No physical alterations are proposed to alter the external appearance of the building.
- 4.3 The supporting information to the application notes that the proposed development will provide care for children between 7-17 years old, 24 hours a day, 7 days a week. Staff will run the home through shift patterns. The number of care staff will be determined by the needs of each child and will vary depending on their support requirements.

- 4.4 Young people will be housed for short- or longer-term periods which in the past (at other properties used for the same purposes) have ranged between 6 weeks and two and a half years. The home provides each young person with “the opportunity to engage in specialist care with psychological support in a therapeutic environment.”
- 4.5 The supporting information document states it is the intention to have young people placed on a 1:1 staffing ratio which is tailored to the needs of each child placed in their care. A minimum of two care staff would be on duty around the clock for the home. In addition to these residential care workers on-site, staffing will include either a senior residential care worker, the deputy manager, or the home manager. Meaning 3 members of staff would be on shift at any one time.
- 4.6 No staff will live at the property, but nighttime supervision will be provided by care workers with bedroom spaces available for staff to use during overnight shifts however there will also be one waking member of staff.

5 Amendments

- 5.1 No amendments have been sought during the consideration of the application.

6 Planning Policy

6.1 National Policy

6.1.1 National Planning Policy Framework (NPPF)

6.1.2 National Planning Policy Guidance (NPPG)

6.2 Melton Local Plan

6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.

6.2.2 The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.

6.2.3 The relevant policies to this application include:

- Policy SS1: Presumption in Favour of Sustainable Development
- Policy IN2: Transport, Accessibility and Parking
- Policy C2: Housing Mix
- Policy C9: Healthy Communities
- Policy D1: Raising the Standard of Design

6.3 Neighbourhood Plan

6.3.1 There is no adopted Neighbourhood Plan.

6.4 Other

6.4.1 Leicestershire Highway Design Guide

6.4.2 Planning guidance for applicants of children's homes

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 LCC Highways

- a) Do not object, in summary, it is their view that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other development, the impacts on the road network would not be severe.
- b) No change is proposed to the existing access arrangements on Garden Lane and the LHA are satisfied with the existing arrangements. There is no difference between the amount of parking required for the existing use and the change of use, resulting in no additional vehicle movements over the site access.
- c) The proposal is unlikely to exacerbate the likelihood of further incidents of personal injury collisions occurring in the area. Three car parking spaces are currently provided and will be retained. A dwelling which contains 4 bedrooms requires 3 car parking spaces under section 3.151 of Part 3 of the Leicestershire Highways Design Guide (LHDG).
- d) The LHA have no specific parking standards for residential care homes however, when assessed against use class C2 of Highway Requirement for Development (HRfD) part 4, one parking space is required per member of staff on site.
- e) Three children with a 1:1 ratio of staff will require 3 spaces, which is the same as the existing provision. Therefore, the LHA is satisfied that the existing number of parking spaces caters for the proposed development.

7.1.2 Environmental Health Officer

- a) Advises, on balance, that as the use is residential in nature and does not necessarily have other noise concerns, they have no objections.
- b) If noise concerns arise, they can be dealt with under Environmental Health legislation in the same way as any other residential property.

7.2 Summary of Representations

7.2.1 Ward Member(s)

- a) No comments received.

7.2.2 Neighbours

- a) Fear of crime and anti-social behaviour including damage to property.
- b) What would prevent a future change of use, or expansion of the business?
- c) Highway safety, including safety of pedestrians resulting from increased vehicle movements.
- d) Anti-social parking behaviour.
- e) Noise disturbance above the level of a Class C3 dwelling house.
- f) No facilities for teenagers in the immediate area.
- g) Very limited youth provision for those who suffer emotional and behavioural issues.
- h) A property closer to the town centre would be a better option.

- i) The application form box 'no' is checked for trees and hedgerows but there are many trees within the site.
- j) No planning notice has been displayed.
- k) Not all neighbours have received notification.
- l) Aware of problems local residents have experienced in Redmile resulting from a property run by the same company.
- m) Majority of residents on Garden Lane are pensioners, elderly and deemed as vulnerable.
- n) It would not be possible for residents of the home to fully integrate with the local community given the contrast in demographics.
- o) Staff can't smoke in the property so will congregate on Garden Lane.
- p) Only 2 children currently living on Garden Lane in a rental property.
- q) Night-time disturbances.
- r) Negative impact on physical and mental wellbeing of neighbouring occupiers.
- s) The property is a domestic dwelling in a residential area therefore it should not be used as a commercial business.
- t) The garden is too large and well established for the proposed use and would provide opportunities for residents to hide and escape.
- u) The care home in Redmile, run by the same company, had many associated police incidents. Can you imagine the negative impact these kinds of interactions have on the local community?
- v) These children are likely to be ill mannered, rude, disrespectful to staff, and anyone in the community. They are likely to obtain, possess and use illegal drugs, the stench of cannabis could impede on other residents using their gardens including children.
- w) I don't want my life disrupted by aggressive unruly children.
- x) Negative impact upon the neighbouring children's day nursery.
- y) The company has not done enough community engagement to alleviate anxiety.
- z) There is no turning space within the site.

Support – one letter of support has been received from a next-door neighbour

- aa) So long as it's well run I support this.
- bb) It's important for children to live in a home where they are nurtured, and this includes living in a residential area and being part of the community.
- cc) See no problem with parking, the drive can facilitate 5 cars not including the double garage.
- dd) I have read the OFSTED reports of other homes run by this company and they are deemed good.
- ee) The planning application which was refused in Redmile was submitted by another company.

- ff) I understand the anxieties about the possibilities of antisocial behaviour as this happened in Redmile however, what would the residents of Garden Lane do if a family with unruly children moved in?
- gg) If there are any issues of antisocial behaviour, I am sure they will be dealt with promptly.
- hh) Children who have had a bad start in life need to feel accepted in many ways, and as far as I am concerned, they will be accepted as my neighbour.

7.3 Response to Consultations and Representations

- 7.3.1 The statutory publicity requirements have been met in relation to this application. All the properties which immediately adjoin the site were notified by letter. There was no requirement for a site notice.
- 7.3.2 Anti-social behaviour is not a material planning consideration, and shall be handled by appropriate authorities separate from the planning system. Paragraph 96(B) of the NPPF refers to crime and disorder and the fear of crime in relation to residential amenity. Impacts on amenity are material considerations and are discussed below under the heading 'Impact upon Neighbour Amenity'.
- 7.3.3 Although it is noted there is a high number of bungalows in the immediate area there are no restrictions limiting the occupation of the neighbouring dwellings to a specific demographic, i.e. over 55's. Nonetheless a prevalence of older aged neighbours does not equate to the inability of future residents of the home becoming assimilated within the community given the chance. Therefore, the demographics of the neighbouring residents, the fact that they may be older, is not a material planning consideration.
- 7.3.4 Concerns have been raised that no communication has been undertaken by the applicant with neighbouring properties. Pre-engagement with neighbouring properties is not a requirement through the planning process but is encouraged to take place at the applicant's discretion.
- 7.3.5 The remaining concerns raised by public representations are considered in the relevant sections of the planning analysis below.

8 Planning Analysis

8.1 Main Considerations

- Principle of Development
- Impact upon the Character of the Area
- Impact upon Neighbouring Amenity
- Impact upon Highway Safety

8.2 Principle of Development

- 8.2.1 Melton Local Plan Policy SS1 sets out the principle in favour of sustainable development. Echoing Paragraph 11 of the NPPF, Policy SS1 states that where planning applications are in accordance with the relevant planning policies of the Development Plan, they should be approved without delay, unless material considerations indicate otherwise.

- 8.2.2 Melton Mowbray is the main urban area within the adopted Melton Local Plan. It is the most sustainable settlement within the Borough and so is the priority location for growth. Residents of Melton Mowbray have access to a broad range of amenities and services which can be accessed on foot, cycling, and public transport. The site is located approximately 400m to the north of the nearest park and 1.5km from Melton Town Centre.
- 8.2.3 Section 55 of the Town and Country Planning Act 1990 sets out the meaning of development:
- (1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.
- 8.2.4 Although there is no statutory definition of 'material change of use'; as set out in National Planning Policy Guidance: “it is linked to the significance of a change and the resulting impact on the use of land and buildings.” Due to the specific circumstances of this proposal, and the operations of the children’s care home as per the submitted information by the applicant, it is considered the proposal does constitute a material change of use.
- 8.2.5 Policy SS2 sets out the development strategy for new residential and employment development in the Borough and distributes development in accordance with the spatial strategy contained within. The existence of the residential property at 7 Garden Lane means that there is no consideration required for the proposal under Policy SS2, as the proposal seeks for the change of use between residential uses (Use Class C3 to Use Class C2). The proposal is therefore not ‘new residential’ nor ‘employment development’, thus Policy SS2 is not engaged.
- 8.2.6 The application site is an existing residential property falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed change of use of the property to Use Class C2, for use as a children’s care home, would ultimately retain its residential function and would operate in a similar way to a family home in that it will serve as a primary residence for a maximum of three looked-after children, albeit cared for by typically 3 adults for the majority of the time.
- 8.2.7 It is therefore considered that in the residential area of Melton Mowbray, the proposed use of the subject property as a small children’s home would fall within Use Class C2 but to all intents and purposes would still be residential in terms of its functional nature – albeit a material change of use would occur requiring planning permission.
- 8.2.8 Proposals for retirement homes, sheltered homes and care homes is supported by Policy C2 of the Local Plan. In addition, the Planning Guidance for Applicants – Children’s Homes states: “The Council is fully supportive of children’s homes and the key role they play in providing an important part of the social care provision for children.” In this predominantly residential area and given the existing residential use of the building, albeit as a single dwelling, it is considered that the proposed use as a children’s home is acceptable as a matter of principle and would meet a specific and specialised local housing need in accordance with Policies SS1 and C2 of the Melton Local Plan.

8.3 Impact upon the Character of the Area

- 8.3.1 Local Plan policy D1 seeks to raise the standard of design including ensuring development is sympathetic to the character of the area. The site is located within the Melton Mowbray character area as defined in the Design for Developments Supplementary Planning Document (SPD).
- 8.3.2 With regards to use, the area is characterised by primarily residential uses interspersed with a small number of office buildings and industrial facilities, as well as some retail premises and local services such as schools, community and sporting facilities. Specific to the site, all of the adjacent properties are in residential use. There are nearby community facilities including a children's day nursery within 60m of the site to the southwest and within 60m to the southeast of the site is a church.
- 8.3.3 Like other children who reside in the area, the children cared for at the proposed development will need to travel to other locations to access facilities including schools and libraries. The proposed use of the site as a children's care home is therefore considered no less sustainable in relation to accessibility to services than its current use as a single dwellinghouse.
- 8.3.4 The application site is located in close proximity to other residential properties. Given the functional characteristics of the children's care home as a primary residence for children in need of care, and the supporting information of the daily operations at the home, it is considered that the proposed use would operate similarly to that of a standard family dwelling and therefore would not result in material harm to the character of the rural settlement.
- 8.3.5 The proposed development does not seek permission for any internal or external alterations to the building which require planning permission in their own right. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within the Melton Mowbray suburbs.
- 8.3.6 It is recommended that a condition is placed on the permission restricting the number of children at the care home to three children. This would allow the Council to retain control in order to reduce the activity at the application site by minimising the number of people required to visit the property on a frequent/daily basis, it would also reduce the perceived impact on residential amenity that has been raised through consultation of the application.
- 8.3.7 The proposed development therefore accords with Policy D1 of the Melton Local Plan and the associated SPD which seeks to protect and enhance the character of settlements.

8.4 Impact upon Neighbouring Amenity

- 8.4.1 Residential amenity is not defined in law. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.
- 8.4.2 Residential amenity has a significant and valuable impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. When assessing how a development proposal may impact on the existing amenity of an area and living conditions of nearby occupiers, the following issues would be significant;

- Privacy
- Overbearing effects
- Natural light and outlook
- Environmental effects

- 8.4.3 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties from potential impact as a result of development. Objections have been received amounting to concern relating to the impact of the proposed development on the amenity of neighbouring occupiers.
- 8.4.4 Whilst anti-social behaviour is not a material planning consideration, the impact of the proposed use and the fear of crime attributed to similar uses in within the Borough can be considered as part of the proposed development alongside existing facilities in close proximity to it.
- 8.4.5 Paragraph 96(b) of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. These aims are echoed in Local Plan policy D1.
- 8.4.6 It is acknowledged that neighbouring residents and their relatives have raised concerns regarding the potential for an increase of anti-social behaviour associated with the proposed use of the dwelling as a children's care home. It would be unreasonable to consider that crime and anti-social behaviour are an inherent part of the character of children's care homes. Instances of anti-social behaviour in the area cannot be attributed to future occupants of the proposed development and if nuisance and anti-social behaviour should occur, the instances shall be handled by the appropriate authorities outside of the planning arena including but not limited to the Applicant's, Melton Borough Council Safer Communities, and Leicestershire Police.
- 8.4.7 Paragraph 96(b) seeks for planning decisions to lessen the fear of crime in the community. Whilst the planning system cannot control behaviour, it does enable the decision makers to address the concerns of the proposed use impacting upon the amenity of nearby residents, and to address the potential fear of crime attributed to the proposed development.
- 8.4.8 The applicant has prepared a supporting statement which sets out the general operations of the care home, stating that the daily operations of the home with three children in residence would require a maximum of three care staff on a typical day. Carers and the home manager would move to and from the property at the beginning and ends of their shifts, meaning that for a limited period of time at shift changeover in the morning and evening, there would be additional staff on site for a short period for handover only.
- 8.4.9 The Community Impact Policy document, available on the public file, provides clarification on the business model, how the property would operate on a daily basis and how the management would respond should an emergency occur. The management of noise, substance abuse, and behavioural management are specifically referenced. Officers are content that it demonstrates the security and management of the home has been carefully considered by the applicant and seeks to reduce the likelihood of the occurrence of crime.

- 8.4.10 The reason for the planning condition restricting the number of cared for children would be to protect the amenity of nearby residents; it is considered that the daily activities relating to the operations of the Care Home with three children in residence would not result in a significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The noise and disturbance from the proposed development would unlikely be substantially different from that created from its existing use as a single dwellinghouse, which with 6 bedrooms could easily accommodate a family with 3 or 4 children and therefore a similar level of noise and movement associated with the proposed use.
- 8.4.11 Specific concerns over the size of the garden have been raised and the potential opportunities it offers for residents to hide/escape. The garden has existing secure boundary treatments. And as with the above comments, judgements cannot be made that future occupiers of the care home would behave in a significantly different way to children living in the dwelling as part of a family.
- 8.4.12 The site is a large, detached dwelling and by definition given that the functional characteristics of the children's home would not be dissimilar to those of a typical family household occupying a property of this size, the amenity of neighbouring properties is not considered to be adversely impacted.
- 8.4.13 It is considered that the planning conditions limiting the number of occupants residing at the property and for the home to be operated in accordance with the details of the supporting information document would sufficiently protect the amenity of neighbouring residents, and therefore the proposed development would be in accordance with Policy D1 of the Melton Local Plan.

8.5 **Impact on Highway Safety**

- 8.5.1 Policy IN2: Transport, Accessibility and Parking of the Melton Local Plan states that all new development shall provide appropriate and effective parking provision and servicing arrangements.
- 8.5.2 The site has an existing vehicle access onto Garden Lane and on-site parking for 3 cars. The Highway Authority have no objections to the proposal and have provided a substantive response confirming they are satisfied with the access arrangements and the level of on-site parking provision.
- 8.5.3 A planning condition is attached to the Officer's recommendation to ensure that parking provision shall be shown, maintained and kept available for use throughout the lifetime of the development to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
- 8.5.4 Notwithstanding this, there are no parking restrictions along Garden Lane and on-street parking would be possible without impeding the flow of traffic to the detriment of highway safety.
- 8.5.5 Taking the above assessment into consideration, the proposal meets the criteria of the Highways Authority standing advice and the requirements of Policy IN2 of the Melton Local Plan and provides a sufficient level of off-street parking provision.

- 8.5.6 Although manoeuvrability of the vehicles in the site may be difficult to allow vehicles to leave in a forward gear, again Garden Lane is a road with good visibility to allow vehicles to exit the site safely and no different to how a residential dwelling would utilise the parking and access arrangements.
- 8.5.7 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Based on the information provided for the application, the proposal does not conflict with Paragraph 116 of the NPPF, subject to the planning condition ensuring the provision of off-street parking recommended in this report.

9 Conclusion and Reason for Recommendation

- 9.1 Section 38(b) of the Planning and Compulsory Purchase Act, 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 The proposal does not seek planning permission for any internal or external alterations to the building. The appearance of the dwelling would therefore be maintained as a single dwellinghouse, with large private garden, private access and on-site parking provision. The domestic nature of the proposal would therefore not be out-of-keeping with its surroundings within Melton Mowbray.
- 9.3 As there are no physical alterations proposed, and the used would remain as residential, it is considered that the proposal would preserve the character and appearance of the area in accordance with policy D1 of the Melton Local Plan.
- 9.4 The recommended planning conditions seek under condition 3 to limit the occupation of the property to a maximum of three children under Use Class C2, and under condition 2 in accordance with the daily operations as set out in the supporting information submitted by the applicants. The limitations seek to reduce the activity of the proposed use, ensuring the use would not result in a significant degree of noise or disturbance that would unacceptably affect the amenity of neighbouring residential properties. The limitations would also allow an element of control by the Local Planning Authority of the proposed use, to address the potential fear of crime. As a result the proposal would accord with policies C9 and D1 of the Melton Local Plan, in regard to its impact upon amenity.
- 9.5 The existing vehicular access into the site from Garden Lane would be utilised and is not proposed to be altered. The proposed use includes off-street parking provision for at least 3 cars. As such, there are no highway safety concerns and the proposal accords with policies D1 and IN2 of the Melton Local Plan.
- 9.6 Therefore, the proposal accords with relevant policies in the Melton Local Plan and is considered not to unacceptably impact the character of the settlement, neighbouring amenity or highways.
- 9.7 In accordance with Policy SS1 of the Melton Local Plan, the application is recommended for approval, subject to planning conditions.

10 Planning Conditions

10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

10.2 The development hereby permitted shall be carried out in accordance with the details outlined within the site plan ref.JRGL/2024/0/OS MAP, and plan ref.JRGL/2024/0/0 and documents: Business Plan, Community Impact Policy, 3 Bed Rota, and Statement of Purpose received by the Local Planning Authority on 31st May 2024.

10.3 **Reason:** For the avoidance of doubt.

10.4 The development hereby approved shall be limited to a children's care home that will offer residential accommodation for no more than three children, and for no other purposes including any other purpose within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and to ensure the development is carried out on the basis of the information submitted, considered and approved to protect the amenity of neighbours and the character of the settlement in accordance with Policy D1 of the Melton Local Plan.

10.5 Prior to the hereby approved development first being brought into use, details showing the location of three car parking spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The individual spaces shall be clearly and permanently be available for use by the occupants and visitors of the site at all times and be in place prior to the hereby approved development first being brought into use.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (2023).

11 Financial Implications

11.1 There are no financial implications associated to this planning application.

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

12.1 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

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Planning Committee

16 January 2025

Report of: Assistant Director for Planning

Reference Number: 24/01019/GDOPV

Proposal: Installation of 125 solar PV panels on the flat roofs at Waterfield Leisure Centre.

Site: Waterfield Leisure Centre, Dalby Road, Melton Mowbray, LE13 0BG

Applicant: Melton Borough Council

Planning Officer: Alex Coy

Report Author:	Alex Coy , Planning Policy Officer
Report Author Contact Details:	01664 502566 ACoy@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Alison Freer, Councillor Allen Thwaites (Melton Warwick Ward)
Date of consultation with Ward Member(s):	15 November 2024
Exempt Information:	No

Reason for Committee Determination: The prior approval notification is required to be considered by the Committee because the applicant is Melton Borough Council.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SMDTLOKOH8100>

What 3 words: <https://w3w.co/crowds.stay.labels>

Site Location Plan:



RECOMMENDATION(S)

1. It is recommended that no prior approval of the matters listed in Part 14, Class J are required (see section 8 below)

1 Executive Summary

- 1.1 This report addresses a 'Prior Notification' for the installation of 125 Solar PV panels on the flat roofs at Waterfield Leisure Centre. It is not a planning application as such; the legal basis for the Notification and the Council's responsibilities in this respect are explained below.
- 1.2 The Notification is required to be considered by the Committee because it is submitted by Melton Borough Council.

Main Report

2 The Site

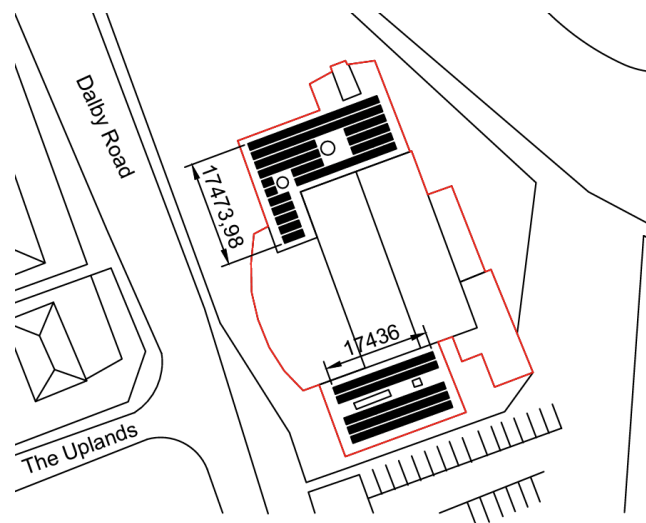
- 2.1 The site is the Waterfield Leisure Centre located within Melton Mowbray and accessed via Dalby Road, adjacent to the River Eye. The premises include the main building and an extension that was added in the 1990's. The building features two large expanses of flat roofs to the north and south of the curved roof.
- 2.2 The site is located outside the conservation area of Melton Mowbray. The land to north and east of the leisure centre is a series of public parks and Dalby Road is located to the west of the site.

3 Relevant Planning History

- 3.1 1345/63 - Construction of a swimming pool and formation of an access – Permitted - 03.07.1963
- 3.2 88/01013/FUL - Leisure pool extension – Permitted - 10.04.1989

4 Proposal

- 4.1 The proposal is a prior approval notification for the installation of 125 Solar PV panels on the flat roofs at Waterfield Leisure Centre. The prior approval notification has been supported by block plans, elevations and specifications of the solar panels.
- 4.2 The proposal would see 125 Solar PV Panels installed on the flat roof areas of the leisure centre to the north and south of the building (see plan below). The panels would be mounted on a Van der Valk mounting system to raise them to a more effective angle of 300mm from the flat roof surface. Each panel would measure 1.7m by 1.1m. The specification of the solar panels are Canadian Solar Inc., TOPHiKu6 445W.



5 Amendments

5.1 No amendments have been submitted to the initial proposal.

6 Planning Policy

6.1 The Council's role in the consideration of the prior approval notification is to establish whether all of the qualifying criteria have been met, and whether grounds exist to require a prior approval. It is a matter of fact whether it is permitted development which would not require a full planning application considering the legislation under Part 14, Class J of the GPDO 2015 (as amended) as explored below.

6.2 For the reasons set out above, no consideration of Local Plan policies is necessary with prior approval notifications.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.1.1 Due to the nature of a prior approval notification, there is no requirement to consult with Statutory Consultees.

7.2 Summary of Representations

7.2.1 Ward Member(s)

a) Agree with the proposal

7.3 Response to Consultations and Representations

7.3.1 N/A

8 Planning Analysis

8.1 Main Considerations

8.1.1 The prior approval notification relates to the installation of Solar equipment on a non-domestic premises and therefore falls under Class J of Part 14 of the General Permitted Development Order (GPDO) 2015 (as amended). Each criteria of the regulations are responded to in bold below.

8.2 Part 14 Class J Criteria

8.2.1 Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

J. The installation, alteration or replacement of—

(a) microgeneration solar thermal equipment on a building;

(b) microgeneration solar PV equipment on a building; or

(c) other solar PV equipment on the roof of a building,

other than a dwellinghouse or a block of flats.

The proposal is for microgeneration solar PV equipment on a Leisure Centre building and therefore meets the criteria listed above.

8.2.2 Development not permitted

8.2.3 J.1 Development is not permitted by Class J if –

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

The solar panels would be installed on a flat roof therefore this criteria is not relevant.

8.2.4 (b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

The highest part of the solar panel would be 300mm from the surface of the flat roof therefore this criteria is met.

8.2.5 (c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;

At all points of the installation the solar panels would be installed a distance greater than 1m of the external edge of the roof.

8.2.6 (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

The site is not designated as a scheduled monument.

8.2.7 (f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

The site is not a listed building or within the curtilage of a listed building.

8.2.8 J.2 Development is not permitted by Class J(a) or (b) if –

8.2.9 (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

The solar panels would be installed on a flat roof not a wall.

8.2.10 (b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

The solar panels would be installed on a flat roof not a wall.

8.2.11 (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

The building is not located within article 2(3) land (Conservation Area)

8.3 Part 14 Class J Conditions

8.3.1 J.4 — (1) Class J development is permitted subject to the following conditions—

8.3.2 (a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

It is considered that the public visibility of the panels the solar panels proposed for the north flat roof would be minimal and not significantly impact the external appearance of the building and the amenity of the area due to the minimal height of the solar panels (300mm) and the placement on a flat roof.

It is considered that the solar panels proposed for the south flat roof would have public visibility from Dalby Road due to site levels, however this would be the only place they would be viewed from because the site sits lower than the road. However given the nature of the premises, the limited height of the proposed solar panels and that solar panels are commonplace it is considered that the impact on the appearance of the building and amenity of the area would be minimal.

- 8.3.3 (b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

This is condition as part of the permitted development regulations therefore the development would be required to meet this to comply with conditions of Part 14 Class J.

- 8.3.4 (2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

This prior approval notification meets the first part of this criteria, the design is considered to have minimal impact on the external appearance. The orientation of the solar panels with the angle facing the south is considered not to impact neighbouring land with the nearest residential property being over 70m away and the neighbouring land being a car park. In addition, the solar panels would have a 3.2mm tempered glass front cover with anti-reflective coating to reduce the glare.

9 Conclusion & Reason for Recommendation

- 9.1 The proposed development accords with the criteria set by Part 14, Class J of the Planning (General Permitted Development) Order 2015 (as amended) and the matters subject of conditions specified by part J.4 of this legislation are not applicable to the circumstances of the case.
- 9.2 Therefore, it is recommended that a decision letter is issued to the applicant stating that prior approval is not required.

10 Planning Conditions

- 10.1 No additional planning conditions can be placed on this type of notification. The proposal is subject to the conditions stated within the Class J of the Planning (General Permitted Development) Order 2015 as detailed at part 8.3 of this report.

11 Financial Implications

- 11.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 The Notification requires consideration by the Committee as it is submitted by the Council for its own development, (Constitution Chapter 2, Part 9, 'Planning Committee functions and procedures.

Legal Implications reviewed by: Deputy Monitoring Officer

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Planning Committee

16 January 2025

Report of: Assistant Director for Planning

Reference Number: 24/01028/GDOPV

Proposal: Installation of 110 Solar PV panels on the roof of Melton Sports Village

Site: Melton Sports Village, Burton Road, Melton Mowbray, LE13 1DR

Applicant: Melton Borough Council

Planning Officer: Alex Coy

Report Author:	Alex Coy , Planning Policy Officer
Report Author Contact Details:	01664 502566 ACoy@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Ian Atherton and Councillor Sharon Butcher (Melton Craven)
Date of consultation with Ward Member(s):	25 November 2024
Exempt Information:	No

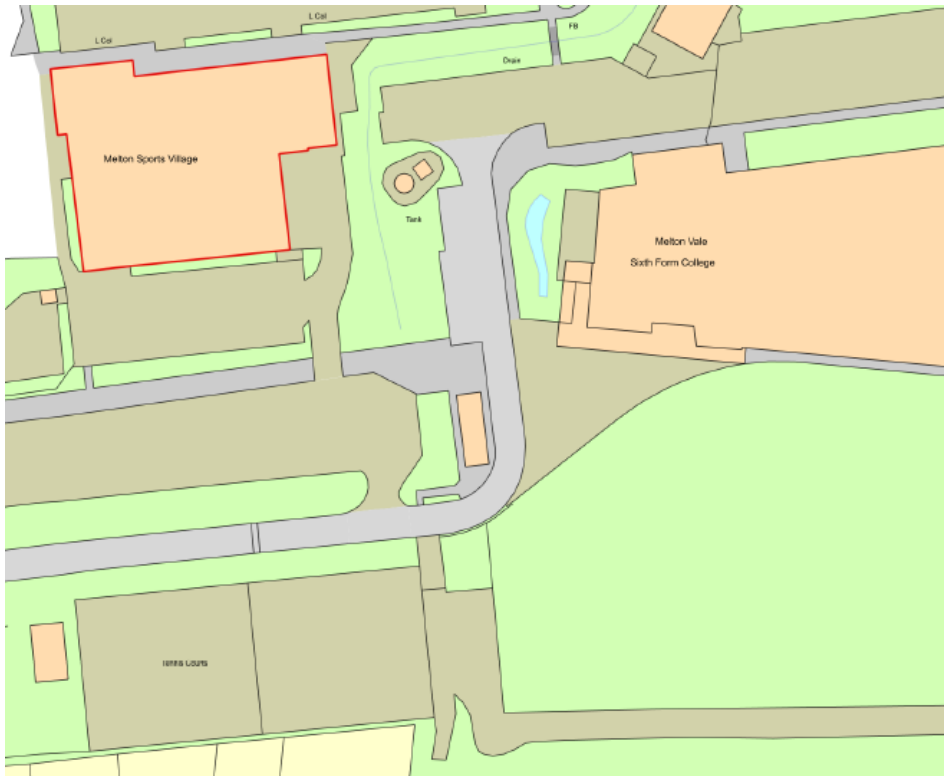
Reason for Committee Determination: The prior approval notification is required to be considered by the Committee because the applicant is Melton Borough Council.

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://w3w.co/state.adding.grant>

Site Location Plan:



RECOMMENDATION(S)

1. It is recommended that no prior approval of the matters listed in Part 14, Class J are required (see section 8 below)

1 Executive Summary

- 1.1 This report addresses a 'Prior Approval Notification' for the installation of 110 Solar PV panels on the roof of Melton Sports Village. It is not a planning application as such; the legal basis for the Notification and the Council's responsibilities in this respect are explained below.
- 1.2 The Notification is required to be considered by the Committee because it is submitted by Melton Borough Council.

Main Report

2 The Site

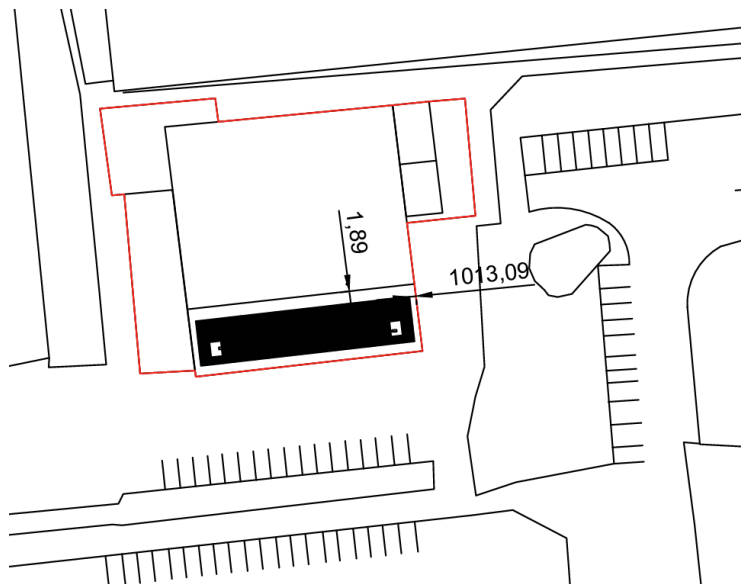
- 2.1 The site is the Melton Sports Village located within Melton Mowbray and access via Burton Road. Adjacent to the site is Melton Sixth Form College and Birchwood School. The site is located outside the conservation area of Melton Mowbray.

3 Relevant Planning History

- 3.1 No relevant planning history

4 Proposal

- 4.1 The proposal is a prior approval notification for the installation of 110 Solar PV panels on a sloped section of the roof at Melton Sports Village. The prior approval notification is supported by block plans, elevations and specifications of the solar panels.
- 4.2 The proposal would see 110 Solar PV Panels installed on the south facing roof slope (see plan below). The panels would be fit close to the surface of the roof slope and measure 1.7m by 1.1m. The specification of the solar panels are Canadian Solar Inc., TOPHiKu6 445W.



5 Amendments

- 5.1 No amendments have been submitted to the initial proposal.

6 Planning Policy

- 6.1 The Council's role in the consideration of the prior approval notification is to establish whether all of the qualifying criteria have been met, and whether grounds exist to require a prior approval. It is a matter of fact whether it is permitted development and do not require a full planning application considering the legislation under Part 14, Class J of the General Permitted Development Order 2015 (as amended) as explored below.
- 6.2 For the reasons set out above, no consideration of Local Plan policies is necessary with prior approval notifications.

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

- 7.1.1 Due to the nature of a prior notification, there is no requirement to consult with Statutory Consultees.

7.1.2 Summary of Representations

7.1.3 Ward Member(s)

- a) N/A

7.2 Response to Consultations and Representations

- 7.2.1 N/A

8 Planning Analysis

8.1 Main Considerations

- 8.1.1 The prior approval notification relates to the installation of solar PV panels on a non-domestic premises and therefore falls under Class J of Part 14 of the General Permitted Development Order (GPSO) 2015 (as amended). Each criteria of the regulations are responded to in bold.

8.2 Part 14 Class J Criteria

- 8.2.1 Class J – installation or alteration etc of solar equipment on non-domestic premises
Permitted development

J. The installation, alteration or replacement of—

- (a) microgeneration solar thermal equipment on a building;
(b) microgeneration solar PV equipment on a building; or
(c) other solar PV equipment on the roof of a building,
other than a dwellinghouse or a block of flats.

The proposal is for microgeneration solar PV equipment on a on a Leisure Centre building and therefore meets the criteria listed above.

- 8.2.2 Development not permitted

- 8.2.3 J.1 Development is not permitted by Class J if –

- (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

The elevation plan demonstrates that the solar panels would protrude 131mm from the roof slope which is less than 0.2m.

- 8.2.4 b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

The solar panels would be installed on a sloped roof therefore this criteria is not relevant.

- 8.2.5 (c) the solar PV equipment or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;

At all points of the installation the solar panels would be installed a distance greater than 1m of the external edge of the roof.

- 8.2.6 (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

The site is not designated as a scheduled monument.

- 8.2.7 (f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

The site is not a listed building or within the curtilage of a listed building.

- 8.2.8 J.2 Development is not permitted by Class J(a) or (b) if –

- 8.2.9 (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

The solar panels would be installed on a sloped roof not a wall.

- 8.2.10 (b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

The solar panels would be installed on a sloped roof not a wall.

- 8.2.11 (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

The building is not located within article 2(3) land (Conservation Area).

8.3 Part 14 Class J Conditions

- 8.3.1 J.4 — (1) Class J development is permitted subject to the following conditions—

- 8.3.2 (a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

Due to the slope of the roof the proposed solar panels would be visible from the existing car park, however, due to the existing materials and finishes of the existing building, extent of coverage of the panels on this part of the roof and the minimal height panels (131mm), the panels are considered to conform with the external appearance of the building and would not impact on the amenity of the area. Especially given that solar panels are common place in the character of the area.

- 8.3.3 (b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

This is condition as part of the permitted development regulations therefore the development would be required to meet this to comply with conditions of Part 14 Class J.

- 8.3.4 (2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

This prior approval application meets the first part of this criteria, the design is considered not to impact the external appearance. The orientation of the solar panels with the angle facing the south is considered not to impact neighbourhood land which is a car park. In addition, the solar panels would have a 2mm heat strengthened glass front cover with anti-reflective coating to reduce the glare.

9 Conclusion & Reason for Recommendation

- 9.1 The proposed development accords with all of the criteria set by Part 14, Class J of the Planning (General Permitted Development) Order 2015 (as amended) and the matters subject of conditions specified by part J.4 of this legislation are not applicable to the circumstances of the case.
- 9.2 Therefore, it is recommended that a decision letter is issued to the applicant stating that prior approval is not required.

10 Planning Conditions

- 10.1 No additional planning conditions can be placed on this type of notification. The proposal is subject to the conditions stated within the Class J of the Planning (General Permitted Development) Order 2015 as detailed at part 8.3 of this report.

11 Financial Implications

- 11.1 There are no financial implications associated with this planning application.

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 The Notification requires consideration by the Committee as it is submitted by the Council for its own development, (Constitution Chapter 2, Part 9, 'Planning Committee functions and procedures).

Legal Implications reviewed by: Deputy Monitoring Officer