

Minutes

Meeting name	Planning Committee
Date	Thursday, 28 April 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

R. Browne	P. Chandler
J. Douglas	E. Holmes
J. Illingworth	D. Pritchett
R. Smith	T. Webster
P. Wood	

Officers

- Interim Assistant Director for Planning
- Planning Development Manager
- Senior Planning Officer (AC)
- Planning Officer (HW)
- Solicitor (TP)
- Democratic Services Officer (HA)
- Democratic Services Officer (SE)

Minute No.	Minute						
PL82	<p>Apologies for Absence An apology for absence was received from Councillor Steadman.</p>						
PL83	<p>Minutes The minutes of the meeting held on 3 March 2022 were confirmed as a true record.</p>						
PL84	<p>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.</p> <p>21/01213/VAC - Field OS 6934, Bypass Road, Asfordby Councillor Browne declared a personal interest in this item due to the company he worked for being involved with managing and leasing housing properties and he did not feel it appropriate to be involved in the Committee's consideration of this application and therefore would not take part in the debate on this application.</p> <p>21/00947/FUL - Deben Farm, Scalford Councillor Holmes advised that although this site was in her ward, she had no interest in this application.</p>						
PL85	<p>Schedule of Applications</p>						
PL86	<p>Application 21/01213/VAC</p> <table border="1" data-bbox="288 1059 1441 1283"> <tr> <td data-bbox="288 1059 504 1099">Application:</td> <td data-bbox="504 1059 1441 1099">21/01213/VAC</td> </tr> <tr> <td data-bbox="288 1099 504 1140">Location:</td> <td data-bbox="504 1099 1441 1140">Field OS 6934 Bypass Road Asfordby</td> </tr> <tr> <td data-bbox="288 1140 504 1283">Proposal:</td> <td data-bbox="504 1140 1441 1283">Vary conditions 20 'Details of Open Space' and 21 'Maintenance and management of Open Space', to remove reference to play areas attached planning permission ref.16/00539/OUT</td> </tr> </table> <p>(Councillor Browne left the Committee and moved into the public gallery due to his interest declared at Minute PL84.)</p> <p>The Planning Officer (HW) addressed the Committee and provided a summary of the application and advised that there had been a written representation received after the report was finalised. This was an objection which was already supported by comments included in the report from the Parish Council. The application was recommended for approval.</p> <p>It was noted that there was an informal open space area within the site and there had been discussions with the Parish Council as to a formal play area although the current Local Plan advised there was no policy requirement for an equipped play area as the latest evidence identified there was no deficit of in this part of the Borough for this type of facility. The Parish Council had indicated it did not wish to pursue funding for a formal play area.</p> <p>The Planning Officer responded to Member queries as follows:</p> <ul style="list-style-type: none"> • It was advised that the 2014 Melton Space Study was considered by the Planning Policy Team to be still relevant with today's population and had been used for the assessment in this case 	Application:	21/01213/VAC	Location:	Field OS 6934 Bypass Road Asfordby	Proposal:	Vary conditions 20 'Details of Open Space' and 21 'Maintenance and management of Open Space', to remove reference to play areas attached planning permission ref.16/00539/OUT
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- There were non-equipped play areas nearer than the required 600m from the site
- There were improved pedestrian links and safety measure in place to reach the Jubilee ground
- Traffic calming had been secured from the school for the development but had not yet been implemented
- The developer was open to discussion for play equipment however the Parish Council did not wish to pursue provision of such a facility
- The Neighbourhood Plan was at an early stage and therefore had limited weight in the consideration of this application
- The Parish Council had not required a contribution for a play area

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 Mark Forster to make a 3 minute presentation however however as his comments were not relevant to the specifics of the application the Chair requested that Mr Forster not continue with his representation.

During discussion the following points were noted:

- There was concern that the play area was proposed to be withdrawn and this was permitted due to a change in legislation since the original outline application had been approved
- Members failed to see how the removal of the condition would be helpful in the long run as the benefits for young people to be able to play outside far outweighed the developer's saving
- It was noted that the developer and Parish Council had liaised and the Parish Council had not asked for s106 monies to fund a play area nor were they prepared to maintain a play facility
- It was felt that the welfare of children on the development was at stake and the nearest play area was not within safe walking distance
- Members considered a deferral to request that the developer and Parish Council be encouraged to review the position on providing a play area
- The Interim Assistant Director advised Members that they should focus on the relevant current policy and evidence which did not require provision of a play area and as there was no deficit in the area, Officers could not recommend that the Committee insist on its provision
- The matter had been brought to the Committee due to it being part of a reserved matters application that had previously been considered by the Committee and following a discussion and agreement of the Chair
- There was a motion for approval as set out in the report by Councillor Pritchett and seconded by Councillor Wood. On being put to the vote, the motion was lost with 3 in favour and 6 against. Councillor Smith requested that her vote against be recorded.
- It was advised that a refusal would be difficult to defend at appeal as the application aligned with the Local Plan.
- There was a motion by Councillor Smith to refuse on the grounds that the application was detrimental to the health and well-being of children growing up on the development and being in conflict with Local Plan Policy C9. Councillor Douglas seconded the motion. However this motion was withdrawn in favour of a deferral subsequently proposed by Councillor Smith and seconded by

Councillor Douglas, to encourage further discussions between the developer and the Parish Council to provide a formal play area

- Members were reminded that they could not enforce that play equipment be provided and it would have to be on a voluntary basis rather than a s106 agreement.

Councillor Smith proposed that the application be deferred to encourage further discussions between the developer and the Parish Council to provide a formal play area. Councillor Douglas seconded the motion.

RESOLVED

That the application be DEFERRED to encourage further discussions between the developer and the Parish Council to provide a formal play area.

(8 for, 1 abstention)

(Councillor Browne here re-joined the Committee.)

PL87

Application 21/01341/VAC

Application:	21/01341/VAC
Location:	22/24 Pate Road, Melton Mowbray
Proposal:	Removal of Condition 3 - (Noise levels) of application 19/00165/COU dated 26/07/2019

The Planning Officer (AC) addressed the Committee and provided a summary of the application. He advised there were controls under Environmental Health to monitor noise levels as required. He reported there were higher noise levels from other industrial units on the site than from this business. The application was recommended for approval.

The Planning Officer responded to Member queries as follows:

- There were no material grounds for refusal and there would be no justification at appeal for a refusal and the Council could be vulnerable to costs
- The installation of noise limiters was a licensing matter and not a planning consideration
- There were other mechanisms in place to ensure noise is monitored by the Licensing and Environmental Health services

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:

- Jeremy Watkinson, Plastics Printing Company
Mr Watkinson responded to Member questions as follows:
The Environmental Health Team had monitored the noise level and advised that the gym could be in breach. The specific noise condition was put in to minimise noise between classes.
- Brendan McMullan, Agent, HaywardMcMullan
Mr McMullan responded to Member questions as follows:
There was no requirement for a noise limiter and if the condition was removed, they would still need to be within the constraints of Environmental Health

monitoring. There was evidence that acceptable noise levels had not been surpassed.

During discussion the following points were noted:

- It was questioned why the condition needed to be removed if it was irrelevant and not needed
- Members understood that if they did approve, then they were dependent on the Environmental Health Team to deal with any noise issues in the future
- Members felt that it was desirable that neighbouring businesses were not duly affected
- It was mentioned that it was not a residential area

Councillor Browne proposed that the application be approved. Councillor Wood seconded the motion.

RESOLVED

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

(5 for, 1 against, 4 abstentions)

REASONS

The changes within the Town and Country Planning Act, Use Classes Order in England (from 1 August 2021) would deem the use of these units as a gym to be 'Permitted Development' and would not therefore require express permission from the Local Planning Authority, which would allow such changes of use to occur without the imposition of planning conditions such as this, whilst some limitation still remains for residential areas through the submission of Prior Notification, no such allowance is made for commercial sites such as this.

Therefore, the condition is considered no longer reasonable given the government's latest legislation to allow these changes to take place as 'Permitted Development', the removal of the condition is further considered acceptable due to the site surroundings being commercial in nature and sat amongst other businesses uses that would give rise to some element of background noise and amenity issues that are associated within an industrial estate of this nature.

Appendix A of this report sets out the suggested conditions, these are reduced from the planning permission 19/00165/COU. Conditions have been removed due to the time limit for the implementation of the development is no longer considered necessary, also other details required at the Change of Use stage have been implemented but are required to be retained as part of this proposal. Condition 6 of planning permission 19/00165/COU removed Permitted Development Rights for the use to be further changed, this condition is also no longer considered necessary for the reasons associated to the change in legislation as referenced within this report.

Application 21/00947/FUL

Application:	21/00947/FUL
Location:	Deben Farm, Scalford
Proposal:	Proposed residential development of former farm complex comprising the replacement of all non-traditional former agricultural buildings with 4 new dwellings (in lieu of dwellings approved under LPA references 20/00741/GDOCOU and 20/01474/GDOCOU)

The Planning Officer (AC) addressed the Committee and provided a summary of the application and advised the proposal provided betterment for the site. Members were advised that the proposal also had the benefit of a fall-back position by way of a prior approval under Class Q. The application was recommended for approval.

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:

- Nick Baseley, Agent, IBA Planning
Mr Baseley responded to Member questions as follows:
There were 4 new dwellings in total and an existing farmhouse. The site already had planning permission for 5 dwellings and this application replaced that.

During discussion the following points were noted:

- It was mentioned that although they were not traditional looking farm buildings of brick and pantile, case law stated that the fall-back position could be considered
- The Solicitor advised that whether or not the existing agricultural buildings were traditional in appearance was not a planning consideration for this application as the Class Q notification had already been approved
- Although it was felt to be an unsustainable location it was recognised that a refusal of the application would be difficult to defend
- It was noted that the development was below the trigger point for affordable housing and should any further application on the site be put forward this position would be reviewed
- There was appreciation for the development and the improvement on the existing which was welcomed

Councillor Chandler proposed that the application be approved with an additional condition to remove permitted development rights. Councillor Browne seconded the motion.

RESOLVED

That the application be APPROVED subject to conditions set out at Appendix C and with the additional condition to remove permitted development rights.

(Unanimous)

REASONS

The site already has an extant permission, for the conversion of the traditional barn

to C3 dwelling house and prior approval via Class Q for the conversion of three larger barns to five dwelling houses, including a conversion under Class R for office use B1(a).

It is considered that the current FULL application does not unacceptably exceed those limitations (not limited to maximum of 5 dwellings created, division of land titles, structural integrity and sole use of agricultural etc..) already allowed via permitted development within class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and as such the proposal remains within the general scope of the extant prior-approvals for barn conversions. Furthermore, its proposed redesign, architectural detailing and layout would be to the betterment of its rural location providing high quality residential dwellings.

The proposal would result in a development that would be acceptable in principle and would be sympathetic to the character of the area. There would be no adverse impact on protected species.

Furthermore, the proposal would not be considered to have an adverse impact upon the setting of its rural landscape or the surrounding area.

The principle of the development in this location is contrary to Policy SS3 of the Melton Local Plan and Policy H6 of the Salford Neighbourhood Plan, however prior notification granted on the site for residential use is a material planning consideration in this instance.

PL89	Urgent Business There was no urgent business.
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The meeting closed at: 7.30 pm