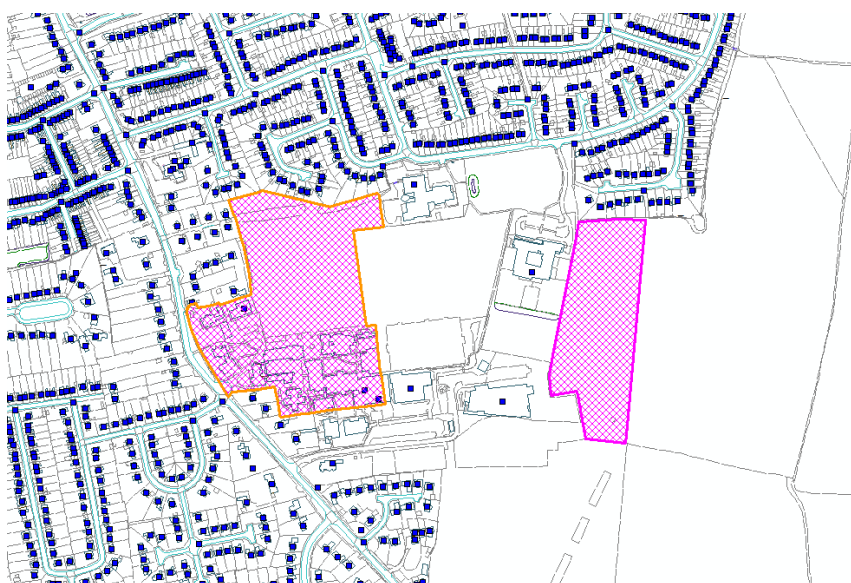


Reference: 13/00877/OUT
Date submitted: 12.12.13
Applicant: Leicestershire County Council
Location: Former King Edward VII Upper School, Burton Road, Melton Mowbray
Proposal: Demolition of the majority of the existing buildings on the site, construction of up to 120 residential dwellings together with associated open space and infrastructure



Proposal :-

This application seeks outline planning permission for up to 120 dwellings on the site of the former King Edward VII Upper School, Burton Road, Melton Mowbray. A site with an area of 5.66ha. All of the area proposed for residential development is within the designated town envelope. The exception is the area proposed to provide alternative recreation space which is within open countryside abutting the boundary of the town envelope and is currently an undeveloped field of 2.87 ha. The site has a partial frontage to Burton Road and is located behind existing housing on Burton Road. To the north is existing housing on Field Close, Meadow Way and Grange Drive. To the east is the school playing field and to the south part of the premises of Birchwood School.

The school closed in 2010 and forms part of a larger complex of educational and recreational facilities comprising Birchwood School, Sherrard Primary School, Melton Vale Post 16 Centre and associated playing field and a sports hall.

This is an application for outline planning permission, with detailed approval sought for access only at this stage. All other matters are reserved for later approval. An illustrative development framework plan submitted by the applicant shows a single point of access from Burton Road with a central spine road and a number of side roads and driveways serving a mix of dwellings.

All of the existing buildings on the site would be demolished except for the day nursery, which would be retained and continue to be used for educational purposes, and three older, traditional buildings which would be converted to residential use. While these three buildings (the former reception building, Braeside and The Gables) are not listed they are of some historic and architectural merit.

The site is subject to a group Tree Preservation Order from 1984. The illustrative framework plan indicates that most of the protected trees would be retained and areas of formal and informal open space provided on the site. The proposal involves the development of part of the existing school playing field, which is planned to be

replaced in open countryside to the east of the existing schools complex, behind existing housing on Willcox Drive.

The application originally sought permission for up to 100 dwellings and the provision of a 60 unit extra care facility. The application has been amended as follows:

- The removal of the 60 unit extra care unit from the scheme
- Increase in the number of dwellings from 100 to 120

The application has been supported by a Planning Statement, Design and Access Statement, Flood Risk Assessment, Tree Survey, Bat Survey, Ecology Appraisal, Transport Assessment, Travel Plan, Archaeological and Heritage Assessment and Ground Conditions Survey.

Following the amendment to the application a revised Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan were submitted

All of these documents are available to view at the Council.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan**
- **Road safety and transportation**
- **Loss of sports facility**
- **Impact of new playing field upon landscape and residential amenity**
- **Impact upon protected trees**
- **Impact upon residential amenities**

The application is required to be presented to the Committee due to the level of public interest.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within the Town Envelope providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE1 : also allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy CF4 : Planning permission will not be granted for development which would result in the loss of local community facilities unless there is no local need or replacement sites or buildings can be made available.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy C13: states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

Policy BE11 – Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for the development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

- all developments that generate significant amounts of movement to be supported by a Transport Assessment or Statement; development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- Developments that generate significant movements are located where the need to travel will be minimised and use of sustainable transport modes can be maximised.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Promoting Healthy Communities

Existing open space, sports and recreational buildings and land including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements, or
- the loss, resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location ,or
- the development is for alternative sports or recreation provision ,the needs for which clearly outweigh the loss

Conserving and enhancing the natural environment

- Contribute to and enhance the natural and local environment.
- Aim to conserve and enhance biodiversity

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>LCC Highways – Highways & Transportation - recommends approval</p> <p>The Highway Authority is aware of the work that Melton Borough Council is currently undertaking to consider the cumulative impact of development in Melton Mowbray and has taken this into consideration in this response. This proposal is part of an overall masterplan for the redevelopment of the School site that has been ongoing for a number of years, and the Highway Authority consider that the net increase in traffic that would be generated by this proposal when taking into account the original uses on the whole School site, would be less than 50 dwellings and therefore it is considered appropriate to</p>	<p>There are concerns that the cumulative impact of piecemeal development of sites in the town. There is also some doubt whether cumulatively these sites would deliver the infrastructure that it may be possible for a larger, comprehensive scheme to provide.</p> <p>The Council has commissioned highways work to help assess planning applications and as part of the evidence base for the emerging Local Plan. The assessment has taken account of committed developments in Melton Mowbray and considered projected traffic flows. This</p>

<p>recommend conditional approval of this application.</p> <p>The Traffic Assessment states that the site is accessible by a range of sustainable travel modes, including close proximity to the railway station.</p> <p>S106 Contributions: To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.</p> <p><u>Travel Packs</u>; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p><u>6 month bus passes</u> (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p><u>New/Improvements to 2 nearest bus stops</u> (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.</p> <p>Travel Plan: The Travel Plan is considered to be generally acceptable. On the basis of the above, the Highway Authority would be prepared to accept the Travel Plan.</p> <p>Conditions: Recommends conditions in relation to visibility, gradients, parking, works in accordance with specified drawings, construction/site management plan, routing of construction traffic and travel plan.</p>	<p>assessment is the first part of longer term work to support the Local Plan.</p> <p>The Highway Authority is now starting to take account of that assessment in its advice on planning applications. It is noted that in this case the impact of the development, having regard to the history of the site, is acceptable.</p> <p>The proposed development would be served by a single point of access from Burton Road. This is about 50 m north of the existing access in to the site and should allow greater junction spacing from the A606 Burton Road/Gloucester Avenue T-junction. The details of this access have been submitted for determination at this stage. All other matters, including layout, would be submitted as reserved matters if outline planning permission is granted. The indicative plan shows that the development would be served by a spine road from the new access linking to a series of secondary roads and driveways.</p> <p>The Transport Assessment sets out sustainable transport options and considered the pedestrian, cycling and public transport infrastructure. The site is considered to be in a sustainable location close to key facilities and amenities in Melton Mowbray. It is within easy walking distance of existing bus stops.</p> <p>The Highway Authority recommends approval and it is not considered that the proposal would have a significant impact on either the wider highway network or highway safety.</p>
<p>LCC Highways – Access Officer Objects to the application on the grounds of sustainability and lack of compatibility with the</p>	<p>There is a long standing footpath which links the site to Grange Drive/Meadow Way. The application originally proposed that this link</p>

<p>NPPF and LCC's Local Transport Plan and Rights of Way Improvement Plan.</p> <p>The officer is disappointed that the amended application does not provide a footpath link to Grange Drive/Meadow Way. This follows the decision of an Inspector at a recent Public Inquiry who concluded that the right of way which crosses the site was not a public right of way. The Access Officer considers that the Inspector's decision does not prevent a new public path being provided, only that the current path does not exist in law.</p>	<p>would be maintained .</p> <p>Before the amended application was submitted the status of this path was the subject of a Public Inquiry, where it was concluded that it is not a public right of way. Consequently ,the applicants have chosen to remove this footpath link from the amended application.</p> <p>One of reasons why some local residents objected to the footpath was due to problems of anti-social behaviour associated with some users of the footpath.</p> <p>It is preferable for new housing layouts to have good pedestrian and cycle links with adjoining areas. This helps to integrate a development in to an area and can provide improved walking and cycling opportunities for both existing and new residents. This can reduce journey lengths and encourage the use of local facilities.</p> <p>In an attempt to provide a footpath which has less impact upon neighbours there have been informal discussions regarding possible alternative pedestrian links to Grange Drive, through other land owned by the applicants, but outside the current application site. To date these have been inconclusive.</p> <p>In this case the potential wider benefits of a pedestrian link must be weighed against the adverse impact upon some neighbours, particularly those who share a boundary with the footpath.</p> <p>It is recommended that in this case that there should be no formal requirement to provide a footpath link to Grange Drive/Meadow Way, but that the Council continues to work with the applicants to establish whether it is possible to provide an alternative pedestrian link.</p>
<p>Police Architectural Liaison -</p> <p>A primary issue for Leicestershire Police is to ensure that the development makes adequate provision for the future Policing needs that it will generate. Leicestershire Police have adopted a policy to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place.</p> <p>The proposed development will increase the overnight population of this settlement by 199 people. It is a fact that up to 85 new houses will bring additional Policing demands and particularly as there is no Policing demand from the existing site. There can be no doubt that there will be a corresponding increase in crime and demand from new residents for Policing services across a wide spectrum of support and intervention as they go</p>	<p>It is noted that the addition of up to 120 dwellings would have some impact on policing within the Borough. The applicants have stated that they are willing to pay this developer contribution request.</p> <p>However ,the applicants note that Leicestershire Planning Authorities are currently seeking independent legal advice on whether all elements of the contributions requested by Leicestershire Police are CIL compliant.</p> <p>The points upon which legal advice has been sought is whether the funding the Police serves a planning function and whether the contributions which are requested would satisfy the policy tests, in particular those relating to necessity and having a direct relationship with the proposed</p>

<p>about their daily lives at the site the locality and across the Policing sub region. £56,291 is sought to mitigate the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because, like other services, we do not have the funding ability to respond to growth proposed. We anticipate using rate revenues to pay for staff salaries and our day to day routine additional costs [eg call charges on telephony and IT vehicle maintenance and so on].</p> <p>Contributions received through S106 applications will be directly used within the associated local policing units to:</p> <ul style="list-style-type: none"> • Equipping staff • Vehicles • Radio Cover • Policing Data Bases Capacity • Control Room telephony • ANPR • Mobile CCTV Deployment • Additional Premises • Hub Equipment <p>The applicants have agreed to pay the contribution in full and the Police have no objection.</p> <p>A full copy of the Polices request for developer contributions can be viewed at the Council Offices.</p>	<p>development.</p> <p>The applicants have requested that the current situation should be reflected in the S106 ,with a clause that only a proportion of the contribution is paid should the Police request only be deemed to be partially compliant with CIL.</p> <p>This is consistent with the approach taken recently with a housing scheme by another authority elsewhere in the county .</p> <p>At present it is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</p>
<p>LCC Archaeology – No comments received</p>	<p>Subject to an update from LCC Archaeology it is considered that there are no archaeological constraints to development of the site.</p> <p>The applicants have carried out a desk based archaeological assessment and excavated a total of 29 trial trenches across both the existing and proposed playing fields . Most of these revealed no evidence of archaeological features .Although six of the trenches in the south eastern part of the current playing field contained a number of ditches and gullies, which could be dated from Roman period from 2nd to 4th century AD.</p>
<p>LCC Ecology – recommends conditions and need for mitigation</p> <p>LCC Ecology</p> <p>Notes that the existing woodland in the north west corner of the site which is to be retained contains good species and should be protected from any new development by a 10 m buffer. Recommends a management plan for this area.</p> <p>The submitted bat survey records bats using two of the buildings on the site. It notes that mitigation</p>	<p>An Ecological Appraisal and Bat Survey have been submitted and there has been no objection to the proposal from the specialist Ecological advisor, who considers that it would be acceptable subject to conditions.</p> <p>The proposal would not conflict with Local Plan policy C13.</p> <p>There will be no significant impact upon ecology and subject to conditions the proposal is considered to be acceptable.</p> <p>Paragraph 109 of the NPPF states that the planning system should minimise the impact on</p>

<p>plans could be developed as both of the buildings are proposed to be retained and converted to residential use. Recommends a condition to secure adequate mitigation.</p> <p>Ecological surveys are only valid for two years. Recommends that a condition is applied to ensure that surveys are updated every two years until the development is completed.</p>	<p>biodiversity and providing net gains in biodiversity where possible. In paragraph 118 of the NPPF it states that opportunities to incorporate biodiversity in and around developments should be encouraged. This is considered to be a material consideration when determining the application.</p>
<p>Sport England – Do not wish to raise any comments on the amended application, but have two areas of concern: Loss of playing field and acceptability of proposed replacement ,and Impact of proposed housing on the retained sports facilities</p> <p>Following discussions with the applicants and the submission of additional information Sport England are now satisfied with the proposed replacement facility . They confirm that their holding objection to the impacts on the playing field area is hereby lifted as the proposed replacement meets the requirements of exception E4 of their playing field policy.</p> <p>Sport England remain concerned about the relationship between the proposed housing and the retained sports facilities . This is because disturbance from these facilities on the occupiers of new housing could restrict their future sports use . They consider that it is necessary to design mitigation at this stage and would prefer this to a condition requiring the later submission of details.</p>	<p>The development would result in the loss of 25,000 square metres of playing field which would be replaced by a better quality playing field of 28,560 square metres.</p> <p>The applicants have also provided additional details to Sport England of the likely detailed use (football) and noise attenuation measures proposed for the new playing field.</p> <p>The loss of the playing field and the provision of the new facility must be assessed against the criteria in Policy CF4 and one of the three tests in paragraph 74 of the NPPF. Policy CF4 looks for a replacement site, while the more stringent test in paragraph 74 of the NPPF is whether the new facility is equivalent to or better than the existing in terms of quantity and quality .</p> <p>The provision of the new playing field would be an improvement in the quality and quantity of the facility and would accord with Policy CF4 and paragraph 74 of the NPPF .</p> <p>At this stage it is considered that it would be unreasonably restrictive for the outline application to specify a particular form of noise attenuation between the new housing and the Multi Use Games Area (MUGA.)</p> <p>It is considered that in practice it is unlikely to be an issue as it will be in the developer’s interest to ensure that properties adjoining the MUGA are appropriately protected from noise coming from that area. The protection measures may take the form of a bund, an acoustic fence, triple glazing within the properties or some combination of these. The exact form can be agreed when Reserved Matters are submitted and secured by an appropriate condition on this stage</p>

<p>Environment Agency- no objection</p> <p>The proposed development will only be acceptable if a condition is imposed to ensure the implementation and maintenance of a SUDs system</p>	<p>Noted.</p> <p>The Environment Agency has independently assessed the proposal and it's likely impact upon flooding, prior to arriving at this recommendation.</p> <p>A condition can be imposed in respect of the Environment Agency's request.</p>
<p>Severn Trent Water Authority – No objections subject to conditions requiring full details of drainage plans for the disposal of foul sewage and surface water.</p>	<p>Noted – conditions can be applied to this effect. Severn Trent do not object, or raise concerns, about the capacity of the drainage system.</p>
<p>MBC Housing Policy Officer–</p> <p>Housing Mix: The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>Paragraph 50 of the National Planning Policy Framework states that we should plan for a supply of housing that meets the needs of our population, both now and moving into the future. The development of this site would provide an opportunity to meet identified local need.</p> <p>Affordable Housing: This application offers a 40% affordable housing contribution. While the details of tenure and dwelling type are to be agreed ,the preference would be for 75% social rented accommodation and 25% intermediate ,such as shared ownership.</p>	<p>Note that this is an outline application and propose that a condition be imposed to ensure delivery of appropriate housing mix.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision 'on the basis of need' and this is currently 40%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>The proposed level of affordable housing is considered to meet the development plan (40%). The details of size and tenure would be agreed .</p>
<p>LCC Mineral and Waste Planning Authority –</p>	<p>If comments are received then Members will be</p>

no comments received to date	verbally updated
<p>Melton & District Ramblers – Would not want diverted right of way through site to use pavements in new development . (comment on original layout – no comment on amended application)</p>	<p>Noted, but superseded by new layout. The amended application no longer includes a pedestrian link.</p>
<p>Environmental Health Officer Contamination – low risk,no action necessary Impact of noise & light – recommends mitigation</p>	<p>Noted,conditions are proposed for the installation of noise mitigation measures and control over floodlighting</p>
<p>LCC Developer Contributions-</p> <p>Waste - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £9,919 (rounded to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.</p> <p>Libraries – The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Nottingham Road, Melton Mowbray is within 1.4km of Melton Library, Wilton Road being the nearest local library facility which would serve the development site. The library facilities contribution would be £27.18 for each 1 bed dwelling;£54.35 for each 2 bed and £63.41 for each 3 bed+. It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to purchase additional library materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to mitigate the impacts of the proposed development.</p> <p>Education- no contribution is requested.</p> <p>LCC Highways - The following contributions would be required in the interests of encouraging sustainable travel to</p>	<p>Noted – If the development is considered acceptable a Section 106 Agreement to secure developer contributions would be needed.</p> <p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</p> <p>The applicant has agreed to these payments.</p> <p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the payments satisfy these criteria and are appropriate for inclusion in a s106 agreement.</p>

<p>and from the site, achieving modal shift targets, and reducing car use.</p> <p><u>Travel Packs</u>; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p><u>6 month bus passes</u> (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p><u>Bus shelters</u> at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.</p> <p><u>Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system</u>, to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At £3,000 total.</p> <p>Ecology, Landscape: no requirements</p>	
<p>MBC Developer Contributions –</p> <p>Grounds Maintenance – request for contribution for maintenance of open spaces within the development and the SUDs.</p>	<p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the payments satisfy these criteria and are appropriate for inclusion in a S106 agreement.</p> <p>Noted, the applicant is still considering the costings involved in the contribution for the maintenance of the open space. If no agreement can be reached this should not delay the application as a condition can be imposed in relation to the maintenance of the open space in the site and maintenance agreement (or other means of maintenance) can be approved at a later date.</p> <p>The applicant has agreed to this approach.</p>

Representations:

Site notices were posted and neighbouring properties consulted. As a result **9 letters of objection have been received and 1 letter of support**

Following the submission of the amended proposal site notices were posted and neighbouring properties consulted. As a result **4 letters of objection have been received**

Representations	Assessment of Head of Regulatory Services
<p>Drainage</p> <p>General concerns about drainage and flooding and question the effectiveness of the proposed drainage</p>	<p>A Flood Risk Assessment has been carried out and independently reviewed by the Environment Agency with no objections raised subject to conditions. The details of these are addressed opposite the comments from the Environment Agency above.</p> <p>The application has been supported with appropriate reports which have been independently reviewed by the Environment Agency and they raise no objection subject to conditions (see above).</p>
<p>Highways and Road Safety</p> <p>Concerns about adverse impact of additional traffic on Burton Road.</p> <p>Increased danger for all road users ,especially pedestrians walking to nearby schools.</p> <p>Question details of highway data and capacity of Burton Road to accommodate additional traffic when used as an alternative route due when A1 is closed.</p> <p>Need for construction traffic to avoid residential areas.</p> <p>Insufficient details of car parking provided.</p>	<p>The Highway Authority raises no objections subject to conditions, see assessment above.</p> <p>The traffic assessment demonstrates that the residual impact of the proposed development on the operation of the local highway network is not significant.</p> <p>The Highways Authority has no objection to the proposed development and it is not considered that the proposal would have an impact on highway safety.</p> <p>The site is considered to be in a sustainable location close to key facilities and amenities in Melton Mowbray. The site is within easy walking distance of existing bus stops.</p> <p>A condition is proposed to ensure that construction traffic is routed on main roads.</p> <p>This is an application for outline planning permission. The parking arrangements can be assessed the Reserved Matters stage when the detailed layout and design of the development is submitted.</p>
<p>Open Space</p> <p>Proposed site is unsuitable for use as a new playing field.</p> <p>No play areas proposed on the site.</p>	<p>See comments from Sport England above.</p> <p>It is proposed that one Local Equipped Area of</p>

	<p>Play (LEAP) and four Local Areas of Play (LAP) would be provided . This is considered to be sufficient to meet the needs of the development.</p> <p>Adequate open space is proposed</p>
<p>Pedestrian Links</p> <p>Need to provide pedestrian link to Sherrard School and Meadow Way to access local shops</p>	<p>On balance it is considered that the lack of pedestrian links is acceptable in this case. See comments on advice from Access Officer.</p>
<p>Layout</p> <p>Prefer to see dwellings no more than two stories tall.</p> <p>Would like to see some bungalows on the site.</p>	<p>The application is for outline planning permission. The details of the layout would be considered when the Reserved Matters are submitted. A condition is proposed to help ensure that a mix of dwelling sizes and types are provided to meet local need.</p>
<p>No objection from neighbour</p> <p>Subject to woodland at rear of existing properties being made secure.</p>	<p>It is proposed that the woodland in the north east of the site would be retained.</p>

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Housing Land Supply</p>	<p>The NPPF is founded upon a presumption in favour of sustainable development which in relation to decision making means approving proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework indicate development should be restricted.</p> <p>The NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% ‘headroom’. Melton’s most recent analysis concluded that this is not being met and the available supply is significantly below 5 years. There have been no recent challenges to this position. The NPPF further advises that housing policies should not be considered up to date if a 5 year supply cannot be demonstrated. This is in addition to its more general approach (at para. 14) that where a local plan is out of date permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits, judged by the content of NPPF.</p>

<p>Layout and design</p>	<p>While only an outline application the illustrative masterplan indicates that an acceptable layout could be achieved ,in accordance with Policies OS1 and BE1and the requirements of the NPPF.</p> <p>The indicative layout shows that the site can be developed without adversely affecting the form, character and appearance of this part of Melton Mowbray .</p> <p>The relationship between the buildings and open spaces and existing neighbouring development would create a local sense of place.</p> <p>While the details of scale and mass are not known at this stage the retention of the best trees and the conversion of a number of traditional buildings on the site would help to integrate the whole development in to the local area. There is scope for the new buildings to harmonise with the surrounding area. There is sufficient space to ensure that there is no adverse impact upon neighbours and that adequate amenity space , access and parking could be provided.</p>
<p>Heritage Assets</p>	<p>The development would ensure the conversion and long term use of three buildings, which while not listed , make a significant contribution to the character and appearance of Burton Road . The retention of these buildings and their associated spacious layout and landscaping is a positive benefit of the proposal.</p>
<p>Protected Trees</p>	<p>The site is subject to a group TPO from 1984 which covers all of the educational complex.</p> <p>The applicants have surveyed the trees on the site and out of a total of approximately 250 trees and four large groups of trees it is suggested that less than 30 trees should be removed. A few of these are trees in poor condition but a number of good trees with reasonable longevity would be removed. This includes the need to fell trees to provide the vehicular access.</p> <p>The illustrative plan indicates that all of the most significant individual and groups of trees would be retained. There is potential for additional tree planting to reinforce the character of the site and it is considered that this would compensate for any loss of trees.</p> <p>Sufficient information has been submitted at this stage to enable the impact of the development upon protected trees to be adequately assessed.</p>

Residential Amenity	The new playing field will have some impact upon the amenities of neighbours, but it is considered that this can be adequately mitigated by noise attenuation measures and controls over other details such as floodlighting.
Development in the countryside	The re-arrangement of the sports facilities on the site includes the provision of a new playing field in open countryside outside the town envelope. This will have some impact upon the character and appearance of the landscape. However,,the benefits of the overall development are considered to significantly outweigh any limited harm.
Employment Opportunities	The Authority has a Corporate Objective to create employment for local people. The applicants have been asked if they would agree to offer training hours in the construction industry and training programmes during the development of the site. The applicants have confirmed that they are happy to work with the Authority in this initiative and are willing to accept this to be incorporated into any S106 legal agreement.

Conclusion

It is considered that the application presents mainly positive benefits with some limited harm which must be considered by Committee in reaching its conclusion.

The proposed housing development is situated within the built up area of the town where new development is generally acceptable ,subject to detailed matters which have been addressed above.

It must also be noted that the Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links.

Affordable housing provision remains one of the Council’s key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, type and location and it is considered that this is a material consideration of significant weight in favour of the application.

There are a number of other positive benefits of the scheme which include enhanced sports facilities, the retention of heritage assets and developer contributions.

In conclusion it is considered that there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular and the retention of heritage assets . The balancing issues – development of a greenfield site with a sports facility and the lack of good pedestrian and cycling access – are considered to be of limited harm in this location which is within the built up town where there is potential for sympathetic design, layout and careful landscaping.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission should be granted.

Recommendation: PERMIT, subject to:

- (a) The completion of an agreement under s 106 to secure:
 - (i) Contribution for the improvement to civic amenity sites (£9,919)
 - (ii) Contribution for the improvement to library facilities.(£27.18 (each 1 bed);£54.35 (each 2 bed) & £63.41 (each 3 bed+))
 - (iii) Contribution to highway improvements.-(2 bus shelters at £4,908 each & RTI £3,000)

- (iv) Sustainable transportation (– bus passes (£325 each) & travel packs (£52.85 each))
- (v) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs
- (vi) Training opportunities
- (vii) Contribution to Police facilities –(£56,291)
- (viii) Maintenance of public open space by either this Council or others

(b) Conditions to include the following :

1. Time limit
2. Submission of Reserved Matters
3. Provision of new playing field
4. Mix of housing types
5. Materials
6. Landscaping
7. Protection of trees
8. Surface and foul drainage details
9. Implementation and maintenance of SUDs
10. Noise attenuation measures
11. Submission of floodlighting details and operation
12. Details of new access
13. Vehicle wheel cleaning facilities
14. Routeing of construction traffic
15. Construction vehicle parking area on site

Officer to contact: **Mr P Reid**

Date: 28th October 2014