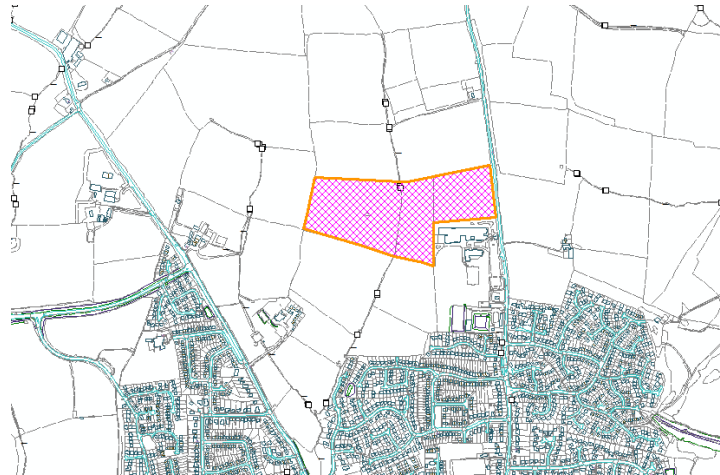


Reference: 14/00519/OUT
Date submitted: 03.07.14
Applicant: Richborough Estate
Location: Field Numbers 0824 7419 and 9216 off Scalford Road, Melton Mowbray
Proposal: Residential development for up to 225 dwellings (C3 use class) with all matters reserved except for access.



Proposal :-

This application seeks outline planning permission for up to 225 dwellings on 10.72 ha (26 acres) of land on the western side of Scalford Road, Melton Mowbray. The site lies outside the designated town envelope and is within open countryside. It comprises three fields, which to the east front Scalford Road and abut the northern boundary of John Ferneley College.

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 master plan submitted by the applicant shows a single point of access from Scalford Road, with a central spine road and a number of side roads and driveways serving a mix of dwellings.

The spine road would provide a link to the proposed residential development off Nottingham Road (see separate application 14/00518/OUT – also on this agenda).

The application has been supported by a Planning Statement, Design and Access Statement, Consultation Statement, Agricultural Land Classification Report, Ecology Reports (including badger & bat surveys), Affordable Housing Report, Flood Risk Assessment ,Transport Assessment and Travel Plan, Geotechnical Report, Tree Survey Report, Landscape and Visual Impact Assessment and Economic Statement.

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

- **Compliance or otherwise with the Development Plan**
- **Road Safety and Transportation**
- **Impact upon the Character of the Area and Open Countryside**
- **Impact upon residential amenities**
- **The impact of the Inspector's letter on the LDF Core Strategy and its subsequent withdrawal**

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

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 – This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.**

Policy BE1 - 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 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 C1: states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

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.

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 – The LPA are advised to consider a REFUSAL on highways and transport grounds for the reasons outlined below</p> <p>The Highway Authority consider that the residual cumulative impacts of development are “severe” in accordance with paragraph 32 of the NPPF and the Local Planning Authority are advised to consider a refusal on highways and technical grounds for the reasons summarised below. This is because the mitigation currently put forward by the applicant does not deal adequately with the significant impacts of the development. However, they note that the emerging results from the Melton Transport Study prepared on behalf of the Highway and Local Planning Authorities indicate that a co-ordinated approach to improvements to the transport network will be required to mitigate the impacts of this and other developments in and around the town. Further more detailed work is underway to identify options for mitigating the impacts of this and other developments and the expectation is that the results of this work will be available in late April/early May 2015 which may allow the Highway Authority to consider a more positive response to this and other applications. The LPA may therefore wish to consider asking this (and other applicants) to agree an extension of time for the determination of the application to enable the results of this work to be considered in the context of this and other applications.</p> <p>Reason(s) for refusal :</p> <p>1. The proposals would result in an unacceptable material impact to the safe and efficient operation of the highway network and the submitted highway proposals fail to adequately mitigate that impact or are undeliverable.</p> <p>Traffic generated by the development is likely to result in severe impact on the highway network in Melton Mowbray Town Centre in particular on the operation of the A607 Norman Way/A606 Nottingham Road junction and the A607 Norman Way/Scalford Road junction. The proposed mitigation measures involve extensive Traffic Regulation Orders being made, which are considered in some cases not to be in the interest of the general public and in others unrealistic or undeliverable.</p> <p>The Melton Mowbray Cumulative Development Impact Study (October 2014) and the emerging</p>	<p>Before the application was submitted the applicants were advised of the Council’s concerns about the cumulative impact of piecemeal development of sites around 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>This Application is for 225 residential dwellings, which are proposed to be accessed off Scalford Road. The adjacent site, between the Application site and Nottingham Road, is being promoted simultaneously as part of one development masterplan but under a separate Planning Application (Application ref: 14/00518/OUT) for 325 dwellings. Therefore, the Highway Authority (HA) has taken into account the potential impact of the proposed development both in its own right and as part of the larger, combined masterplan. This is consistent with the need to consider cumulative impact to support strategic growth across the Borough and more specifically the town of Melton Mowbray.</p> <p>The HA provided observations to this Authority on 8thDecember 2014. These observations made reference to the Melton Cumulative Development Impact Study (October 2014) which had been commissioned by Melton Borough Council to identify the cumulative impact of various development proposals totalling 2,550 dwellings around the town. The Study revealed that</p> <ul style="list-style-type: none"> • At the baseline assessment date of 2011, congestion occurs/exists along most of the major links into and around Melton • By 2031, even without development the network operation is forecast to worsen and that with further significant development, the network operation would further deteriorate. • The Study concluded that ‘the analysis suggests that any development (whether those proposed or adopted as part of a growth strategy) would have a notable impact in further deteriorating traffic conditions in the town (whether measured by congestion, delay or travel times)’. <p>The Study recommended that individual site assessments for any proposals over 50 dwellings should be undertaken using a standardised Leicester and Leicestershire Integrated Transport Model (LLITM) assessment across all sites to ensure consistency, equity and robustness.</p>

results of the Melton Transport Study Phase 1 identify a number of links and junctions in and around Melton Mowbray Town Centre which are already operating at or close to capacity. This proposal would exacerbate those issues resulting in a severe impact by virtue of delays to traffic moving in and around the Town. Due to the configuration of the highway network, investment in strategic highways infrastructure is likely to be required to realise the growth needed in the Town. Releasing this development without an appropriate contribution towards a town wide strategic infrastructure solution would prejudice the delivery of the overall growth needed in the Town.

2. The mitigation measures proposed by the applicant fail to address the impact those measures are likely to have on the wider highway network.

Junctions on the A606 and A607 ‘ring’ around Melton Mowbray Town Centre are closely linked in operation and the wider impacts need to be considered. The assessments submitted with the proposed mitigation measures have not considered how the proposed mitigation measures in particular changes to the A607 Norman Way/Scalford Road junction and the A607 Norman Way/A606 Nottingham Road junction will impact on other junctions on the ‘ring’. The wider impacts of displaced traffic have also not been considered.

3. The proposed mitigation measures would result in an increase in traffic as well as heavy goods traffic being routed onto inappropriate routes.

The mitigation measures propose for displaced traffic to be re-routed through residential roads with weight restrictions and are hence not considered to be appropriate.

The HA and this Authority have jointly commissioned the Melton Transport Study to understand the constraints on growth presented by the current highway network and develop a mitigation strategy to deliver sustainable development for Melton Mowbray. The Melton Mowbray Transport and New Development Position Statement summarises this emerging work and has been prepared by Melton Borough Council in partnership with Leicestershire County Council in its capacity as the HA. The Position Statement draws on further LLITM work to identify the current trends in traffic patterns in and around the town and has been developed as a reflection of Melton Borough Council’s and LCC’s commitment to working with developers to find development solutions which can meet the need for growth without prejudice to the longer term need.

The Position Statement draws on the HA’s work to date on its Melton Mowbray Transport Study (Phase I). The Phase I work specifically investigated the 2011 and forecast 2031 through traffic and non-through traffic movements within Melton Mowbray. The Phase I work identified the following traffic trends and forecasts:

- Through traffic comprised some 18% of total traffic in 2011. Whilst this is forecast to drop to 17% in 2031, the absolute volume of through traffic is still forecast to increase by 12% compared to 2011.
- Through traffic is spread across the main routes through Melton without being overwhelmingly concentrated along a single route/corridor. However, a greater concentration is shown along the A606 Nottingham-Oakham axis which accounts for 20% to 30% of Melton’s through traffic. Along this corridor, through traffic comprises up to 40% of traffic. Generally most through traffic appears to be entering and exiting between points to the south and west of the town centre in an arc from the B676 to the A606 towards Nottingham.
- The HGV volumes are forecast to grow significantly between 2011 and 2031, and to be concentrated on the route through Melton between the A6006 towards Loughborough and Castle Donington and the A606 towards Oakham. Whilst in practice HGVs would more likely use the strategic M1-A14 route, should traffic conditions on the strategic road network worsen, the route through Melton may become a more attractive alternative route.
- Non-through traffic was shown to represent some 80% of total traffic within Melton both

	<p>in 2011 and in 2031. The proportion of trips which are entirely within Melton was around 36% of all non-through traffic in 2011, falling to 19% in 2031. Conversely, traffic with Melton as either an origin or destination is expected to increase between 2011 and 2031.</p> <ul style="list-style-type: none"> • Modelling outputs show that trips entirely within Melton are concentrated within the town centre and particularly on the northwest-southeast axis. In contrast, non-through traffic with origins or destinations outside Melton is concentrated on the A607 and A6006 corridors to the northeast, west and southwest of the town and especially on the A607 corridor towards Leicester. • Non-through traffic HGV volumes are also forecast to increase between 2011 and 2031, with a significantly greater proportion to/from locations north of the town rather than the south. <p>Given the limited spare capacity within the existing network and the forecast traffic demands resulting from the future development, it is apparent that any mitigation would need to be of a demonstrably significant magnitude to not only mitigate the impacts of development itself but also to contribute to a wider benefit for residents as part of the overall growth strategy for the town.</p> <p>The Melton Mowbray Transport and New Development Position Statement identifies that a final package of mitigation needed for the town to support the level of growth needed will be formally agreed through the development of the Melton Local Plan and the associated Melton Infrastructure Delivery Plan. Work is currently being undertaken in order for options to be considered which will enable a CIL-compliant delivery mechanism to be developed such that mitigation can be brought forward in the context of the wider growth strategy.</p> <p>In the context of this application, the findings from the Melton Transport Study (Phase I) work which are summarised in the Position Statement would suggest that the manual assessment used in the applicant's Transport Assessment (TA) may have resulted in an underestimate of the impacts of the proposed development. This is because the work undertaken within LLITM shows a concentration of growth along specific corridors</p> <p>The December 2014 observations identified one of the reasons for refusal as the impact on the traffic in Melton Town Centre, most notably at the A607 Norman Way/A606 Nottingham Road junction (hereafter referred to as the 'Nottingham</p>
--	--

	<p>Road junction’) and the A607 Norman Way/Scalford Road junction (hereafter referred to as the ‘Scalford Road junction’). It was identified in the HA’s December 2014 observations that the traffic generated by this proposed development alone would result in blocking back between the two junctions in the eastbound direction. The effects of the impact are further exacerbated when both this proposed development and the adjacent site are considered.</p> <p>Consequently, the need to mitigate the impacts of the development was identified by the applicant and a submission was made directly to the HA on 28th January 2015 detailing proposed mitigation measures. These proposals for mitigation form the subject of these highway observations, following a request made by the Local Planning Authority on 6th February 2015 to provide comments.</p> <p>The underlying reason for requiring mitigation arises from the traffic impact on the Town Centre highway network, which was identified in the Transport Assessment as being most notable at the Nottingham Road and Scalford Road junctions.</p> <p>Mitigation measures have been put forward which propose the following components:</p> <ul style="list-style-type: none">• Restriction of traffic to be one way southbound only on Nottingham Street at the Scalford Road junction• Provision of a new trafficked link between Park Road (currently a cul-de-sac) and the A607 Norman Way• A new signalised junction to enable left turning traffic only to join from the new link on Park Road onto the A607 Norman Way (westbound)• Improvements to pedestrian crossing facilities at the Scalford Road junction, across the A607 Norman Way• Widening of footways on Nottingham Street, between the Scalford Road junction and Market Place.• Rearrangement of existing disabled car parking on Park Road. <p>The shortcomings in the suggested scheme are explained in the HA’s comments and advice opposite. It should also be noted that the applicants are not prepared to delay the application further to continue trying to see if a solution may be possible and have only agreed to extend the period for determining the application to 3rd April 2015.</p>
--	---

	<p>The Highway Authority has provided clear advice that planning permission should be refused on highways and transport grounds</p>
<p>LCC Highways – Access Officer No objection in principle</p> <p>Public Footpath E17 runs south to north through the site.</p> <p>Each proposal includes provision to accommodate the public footpath on its existing line through a recreational corridor to be created within the development. Although the footpath will lose its rural character for the length of the development, the provision for retention of the footpath as shown will reduce this impact and therefore no objections in principle subject to a condition which requests that the route is hard surfaced to encourage non-motorised journeys throughout the year.</p>	<p>Noted ; these provision could be incorporated by means of condition.</p>
<p>NHS England</p> <p>The development is proposing up to 225 dwellings which, when based on the average occupancy of a dwelling of 2.4 would result in an increased patient population of approx. 540.</p> <p>The proposed site is within the practice boundary of the Latham House GP practice in Melton Mowbray. This is the only GP practice within Melton Mowbray and therefore is likely to attract the new patients from the proposed development.</p> <p>The GP practice at Melton Mowbray has identified that patient growth will necessitate an expansion of their facilities if the practice is to maintain access to services. The practice has capacity on their site to extend the healthcare facility further. A contribution of £89,253.25 is requested for this housing development ,which would contribute towards the overall expansion of the surgery. The amount requested is proportionate to the scale of the housing.</p>	<p>The development would have an impact upon the provision of healthcare in the town. The contribution which is requested is considered to be proportionate to the scale of housing and specifically relates to physical works to increase capacity at the local GP practice.</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>Police</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 760 people. It is a fact that up to 225 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</p>	<p>It is noted that the addition of up to 225 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>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>spectrum of support and intervention as they go about their daily lives at the site the locality and across the Policing sub region.</p> <p>£78,907 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 CCTV deployment • 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>LCC Archaeology – Recommends conditions to secure further archaeological work</p> <p>Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) and consideration of the submitted desk-based assessment, geophysical survey and trial trenching report, indicates the application area has a potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2).</p> <p>The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. In consequence, the local planning authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 12, paragraph 141).</p> <p>Recommend that three conditions are applied to ensure that a scheme of archaeological works is submitted and approved; that any site works comply with the approved scheme and that no dwellings are occupied before all site investigation</p>	<p>The site may have features of archaeological interest . Conditions could be applied ensure that the site is adequately investigated and any features are recorded.</p>

and post investigation assessments are completed.	
<p>LCC Ecology – no objection subject to conditions</p> <p>LCC Ecology has assessed the various reports submitted and comments that:</p> <p>Bat surveys – The applicants attention is drawn to the recommendation in this report</p> <p>Trees/hedgerows – Provide existing habitats and should be retained.</p> <p>Great Crested Newts and Badgers– Satisfied with proposed mitigation – recommend condition to maintain their habitats.</p> <p>Ecology survey - Recommend that a condition requiring updated ecology surveys if the development does not take place within 2 years of the original ecological survey . This will allow an up to date assessment of the site to be made.</p> <p>Indicative layout - Development should follow principles of indicative layout which indicates retention of green corridors . Suggest that a condition is imposed to manage these areas and ensure that wildlife buffers are provided.</p>	<p>A number of Ecological Reports have been submitted and there has been no objection to the proposal from the specialist Ecological advisor.</p> <p>The proposal would not conflict with Local Plan policy C13.</p> <p>Paragraph 109 of the NPPF states that the planning system should minimise the impact on 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>Environment Agency- no objection subject to conditions</p> <p>The proposed development will be acceptable if the measures detailed in the Flood Risk Assessment and Watercourse Modelling Study submitted with the application are implemented and secured by planning conditions :</p> <p>Recommend conditions as follows:</p> <ul style="list-style-type: none"> • Surface water drainage scheme, based on sustainable drainage principles, to be submitted and approved. • 8m easement of top of bank of any watercourse <p>As part of the Agency's objective to further the sustainable use of our water resources they are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.</p>	<p>Noted.</p> <p>The Environment Agency has independently reviewed the flood risk assessment and is satisfied with its content and conclusions, prior to arriving at this recommendation.</p> <p>Conditions could be imposed in respect of the Environment Agency's request.</p> <p>Noted, this can be an informative on the permission if the application is considered acceptable.</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 could be applied to this effect. Severn Trent do not object, or raise concerns, about the capacity of the drainage system.</p>
<p>CPRE – no comments received to date</p>	<p>If comments are received then Members will be verbally updated.</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 £18,598 (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 1.9km of Melton Library, Wilton Road being the nearest local library facility which would serve the development site. The library facilities contribution would be £12,230 (rounded to the nearest £10). 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- Requested contribution of £338,772 for Primary Education to meet a current deficit of 28 child spaces.</p> <p>The Education Authority point out that with the rapidly changing environment of Education provision in Leicestershire it is becoming increasingly difficult to state which school or schools will serve a development once it is complete. They request some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of education facilities at schools in the locality of the development which the residents of the development would usually be expected to attend.</p> <p>They note that if other developments in the area receive planning permission the contributions</p>	<p>Noted</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>The comments of the Education Authority are noted but no further action is proposed at present due to the recommendation.</p>
--	---

<p>required would be :</p> <p>Primary - £653,346 11-16 Years – £671,786 Post 16 Years - £143,606</p> <p>LCC Highways – no contribution requested</p> <p>Ecology, Landscape - no contribution requested</p>	
<p>MBC Developer Contributions –</p> <p>Leisure – contribution to new leisure facilities. And contribution to dry side facilities due for completion 2015/16. Costing to be agreed based on proportion costing of £1million project.</p> <p>Contribution to new sports pavilion in Country Park to be based on proportion of £250,000 project.</p> <p>Grounds Maintenance – request for contribution for maintenance of open spaces within the development and the SUDs.</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>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 - Due to the recommendation to committee the precise costings involved in the contribution for the maintenance of the open space remain to be agreed.</p>

Representations:

Site notices were posted and neighbouring properties consulted. As a result **16 letters of objection have been received**, the representations are detailed below.

These representations include **objections submitted on behalf of the Melton North Action Group (MNAG) and Melton and District Civic Society.**

Representations	Assessment of Head of Regulatory Services
<p>Planning policy – The development is contrary to the Inspector’s decision on the Core Strategy.</p> <p>He could not support the direction of growth to the north of Melton based on sustainability, accessibility, landscape sensitivity ,agricultural land quality ,road infrastructure and impact upon listed buildings.</p>	<p>The core strategy was submitted for Examination in Public in September 2012. The hearing took place in Feb/Mar 2013. The Inspector, in his letter to the Council considered that there were matters of fundamental concern with the Core Strategy. This lead to the Council’s withdrawal of the Core Strategy. It is considered that the Inspectors letter is a material consideration in the determination of the application.</p> <p>It is advised that the extent to which the Inspector’s conclusions determine that this application should be refused will be dependent upon the Committee’s judgment as to whether the application gives rise to the</p>

The Inspector's report summarised some major concerns including landscape sensitivity, agricultural land quality, biodiversity and transport/road infrastructure.

The Council has begun work on a new Local Plan which will involve consultation with residents and other interested parties and that process should be allowed to take place before decisions are made on sites such as this.

same issues that lead to his recommendation on sustainability. This proposal is precisely defined and described and represents only part of scale envisaged by the Urban Extension proposed by the Core Strategy. The definition in this application and the submission of specific detailed technical reports allows a precise assessment of the concerns raised by the Inspector in relation to impacts upon landscape, agriculture and biodiversity to be made (the Inspector could only make a generalised, broader, basis in relation to the Core Strategy because it was concerned with a general "direction of housing growth" covering a significantly larger possible area). The Core Strategy was assessed as a comparative exercise, in the context of other possible options; a planning application must be considered under the 'presumption in favour of sustainable development' based on its own merits, rather than by comparison to those of other sites.

Whilst the Core Strategy did not allocate a specific site for the SUE it indicated a broad direction of growth within which the application site would fall. However, the application site was not intended for development in the initial masterplanning work which had been undertaken. The Inspector did raise concerns over the impact the SUE would have upon landscape, agricultural land and biodiversity: however, it must be acknowledged that the Inspector was considering a larger area than that proposed by the current application.

It should also be noted that the comparison of alternatives for an SUE (north and south of the town) was only one of the reasons why the Core Strategy was found unsound. It was also the overall quantity of housing and several other matters so should be given less weight as a consideration in the determination of this application.

Paragraph 49 of the NPPF is a consideration in the determination of the application and is commented on in the report below. This paragraph, however, will need to be read with all the relevant sections of the NPPF and the saved Policies contained within the adopted Local Plan. **It is agreed that the absence of a 5 year housing land supply does not automatically lead to a conclusion that housing proposals should be approved. In all cases, assessment of their merits and impacts within the context of the presumption in favour of sustainable development is required.**

The Council has started working on a new Local

	<p>Plan. Melton Council has a duty in law to determine all applications submitted and cannot put it aside or reject it until a Local Plan is in place.</p> <p>The authority has a duty to determine all planning applications. All relevant material comments will be taken into account in the determination of the application.</p>
<p>Planning Policy issues: the requirements of the NPPF</p> <p>Policy OS2 does not allow for development outside the town and village envelopes shown on the proposals map except for development essential to the operation of agriculture and forestry and small scale development for employment, recreation and tourism.</p> <p>Contrary to advice in the NPPF.</p>	<p>Adopted Melton Local Plan saved Policy OS2 and the NPPF</p> <p>The site is located in the open countryside beyond the settlement boundary of Melton Mowbray and, therefore, saved Policy OS2 is applicable. While this policy is applicable it is not consistent with the NPPF. This is because the NPPF does not take the same blanket approach to restricting development and protecting the countryside. This issue was addressed in the decision on the housing site on Nottingham Road (14/00078/OUT) and recent case law.</p> <p>The key issue is the supply of housing sites within the borough and whether the proposed development benefits from the presumption in favour of development as confirmed by the NPPF. There is currently significantly less than a 5 year supply of deliverable housing sites in Melton Borough . In such cases paragraph 49 of the NPPF indicates that relevant policies for the supply of housing should not be considered up to date.</p> <p>The appeal decision for the Nottingham Road appeal considered that the wording and intention of Policy OS2 aims to protect the countryside by strictly limiting new development and in so doing must inevitably restrict the supply of housing. This view is in accordance with other recent appeals elsewhere and supporting case law. Since OS2 is a relevant policy for the supply of housing and this Authority does not have a 5 year housing land supply of deliverable housing land Policy OS2 must be considered to be out of date within the terms of paragraph 49 of the NPPF. Consequently, the presumption in favour of sustainable development applies and paragraph 14 of the NPPF is engaged.</p> <p>Paragraph 14 states that where the presumption applies, and where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted.</p> <p>There are three dimensions to sustainable</p>

	<p>development ;economic,social and environmental.</p> <p>Economic The applicant states that the proposal would deliver a substantial number of construction jobs and associated employment in the supply chain. It is also noted that housing construction generates economic activity and the new development would generate New Homes Bonus payments to the Council and Council Tax receipts. The increased population would help to support local businesses and would include skilled workers. This is not disputed.</p> <p>Social It is accepted that the proposal would provide a range of social benefits; principally new homes, including affordable housing , and public open space. There would be other benefits secured by Section 106 contributions. The applicant states that the development would deliver environmental benefits in terms of highways improvements, flood risk, contamination ,ecology, trees, heritage, agricultural land classification and landscape/visual impact.</p> <p>Environmental The Transport Assessment and subsequent additional data which was submitted seeks to confirm that the existing road network is capable of accommodating the increase in traffic movements associated with the proposed development . However ,the Highway Authority’s assessment is that there are significant shortcomings . The development would change the character and appearance of the area to the north of Melton Mowbray (see above) , but it is considered that the harm would not be sufficient to refuse planning permission.</p> <p>The site is considered to be greenfield and not brownfield. The NPPF encourages the re-use of brownfield land but there is no prohibition on the use of greenfield land. In Melton’s circumstances, there is insufficient brownfield land to meet supply and Greenfield locations are required to satisfy demand.</p> <p>Conclusion on Planning Policy issues: In terms of housing supply saved Policy OS2 is deemed out of date.It is considered that the development would deliver economic and social benefits which should be given weight in the determination of the application . But the environmental harm, specifically the highways</p>
--	--

	<p>and transport objections , are sufficiently significant and demonstrable to outweigh the benefits of the scheme.</p>
<p>Inspection of the MBC Core Strategy:</p> <p>Direction of growth to the North of Melton Mowbray was found unsound by the Planning Inspector.</p> <p>The following were the most significant concerns:-</p> <ul style="list-style-type: none"> • Highways and traffic – The development will exacerbate existing problems in the area. • The highest Quality and sensitivity of Landscape surrounding the town was to the North. 	<p>The Melton Core Strategy was submitted for Examination in Public in September 2012, with the hearing sessions taking place in February/March 2013. The Planning Inspector, in his letter to the Borough Council on the 11th April 2013, considered that there were matters of fundamental concern with the Melton Core Strategy which could not be overcome through changes. In his assessment of the direction of growth to the north (SUE) the Inspector identified several reasons why he could not support this strategy. Of particular relevance to this application he raised concerns that there would be an unacceptable impact on the landscape, agricultural land and biodiversity. The Inspector's letter is considered to be a material consideration in the determination of this application.</p> <p>It is agreed that this is a major concern and highways and transportation issues are addressed in detail above.</p> <p>The judgement was based on the content of the 2006 landscape report which examines the landscape character of the Borough and which assessed in more detail the sensitivity of zones around the edge of Melton Mowbray. The application site is located within 'Zone A', which along with Zones B and C, is described as the most sensitive landscape surrounding the town.</p> <p><i>The study states that "Zone A has a high historic value with features such as ridge and furrow and former settlement sites. The area around Sysonby Lodge is particularly sensitive having both designated historic features and an interesting setting. This area also includes some open space areas protected by the Protected Open Area designation."</i></p> <p>The study goes on to state that development, particularly in the higher northern part, would significantly increase the visibility of the town from the surrounding area; and, that at present built development is confined to the lower slopes leaving open countryside to the north. Zone A is considered to be of High landscape character sensitivity.</p> <p>The 2011 update noted that only two Zones, A and D, had been noticeably affected by new development since the 2006 report. However, the change in Zone A relates to John Ferneley</p>

<ul style="list-style-type: none"> • Biodiversity and Agricultural land quality was superior to other sites (Grade 3a) and should be safeguarded 	<p>College which is to the north-east of the application site. The update notes that:-</p> <p><i>“The main building is significantly larger than the previous building and is more prominent, being contemporary in design, rendered white and with an adjacent wind turbine. All of the new building is visible in views to the south east from the northern part of the zone. The buildings are set against a backdrop of Melton, in particular the large factory buildings and their prominent roofs in Zone D, the housing estates south of Zones A and B and the housing estates in the far distance across the valley in Zone E, which has the effect of setting the school buildings within the urban context. However, few people will actually see the buildings from the north as there are few receptors and accessible viewpoints. Other views, such as from the south and from the Scafford Road, are limited due to rising foreground, which partially screens the buildings reducing their apparent height.</i></p> <p><i>As the new school buildings are located within the existing school grounds there has been no impact on the underlying landscape structure and the character of the agricultural fields, hedges and woods remains unaffected. Therefore the sensitivity of the landscape character of Zone A has not been diminished and remains High.”</i></p> <p>It should be noted that while the development will change the character and appearance of this part of the landscape setting of the town, the dominant feature here is the John Ferneley College, which would continue to have a much more significant impact upon the landscape than this housing.</p> <p>A detailed site specific, assessment on the impact to the character and appearance of the open countryside is contained below.</p> <p>While the Agricultural Quality of Land Report (2005) identifies the agricultural land quality to the north of the town to be of superior quality, the application site itself falls solely within the sub-grade 3b which is lower quality. The NPPF classifies that land in grades 1, 2 and 3a should be considered as best and most versatile agricultural land. In relation to development the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The application site does not fall into this category.</p> <p>Melton Borough Biodiversity & Geodiversity Study (2008) and Revised Study</p>
---	---

<p>The proposal is contrary to advice in the NPPF about the use of such resources.</p> <p>The application is contrary to the Inspector’s findings and MBC should not grant planning permission for this development.</p>	<p>(2011) identifies the main biodiversity and geodiversity resources present in the Borough, with particular emphasis on the outskirts of Melton Mowbray. As regards the application site, which falls within Zone A, the area contained no protected or notable species and in relation to habitat is identified as poor semi-improved grassland but due to limited/no access is an “area of uncertainty”. A number of watercourses, intact hedges and broad leaved scattered trees are also identified within the site along with possible water bodies.</p> <p>The 2011 revised study updated the details from the 2008 study and now identifies a non-statutory site of local level conservation value along the eastern boundary of the site. In terms of habitat there were no significant changes from the previous assessment.</p> <p>An assessment on the impacts of the proposal on ecology is contained in the report above which concludes that there is no objection subject to conditions and that the proposal would not conflict with Local Plan policy C13.</p> <p>A policy assessment is contained within this report above.</p> <p>The Inspector’s letter is a material planning consideration but it was addressing a different scenario and needs to be considered along with Local Policy, the NPPF and other material considerations.</p>
<p>Accessibility</p> <p>The site is less accessible than other parts of the town, including areas to south which were preferred options in the Core Strategy.</p>	<p>The site is on the edge of the main built-up part of the town on a main route and is considered to be reasonably accessible. This application can only be considered on its own merits.</p>
<p>Sustainability and the cumulative and synergistic effects of housing and employment growth</p> <p>Reiterates that the Core Strategy evidence base indicates that housing growth to the north of the town is not the preferred option. Notes that these developments (with 14/00518/OUT) do not support the need for development to be planned to maximise the cumulative and synergistic effects of housing and employment growth.</p> <p>Consider that development to the north of the town will compromise the economic and social development in the town and the borough.</p>	<p>The site is reasonably sustainable in terms of proximity to services etc, although there are currently overwhelming highways and transport objections.</p> <p>The Inspector’s recommendations in relation to the Core Strategy Examination are a material consideration for this application. On assessment, the concerns raised by the Inspector in relation to in relation to the Core Strategy are not considered to be replicated when applied to this specific site.</p>
<p>Infrastructure</p> <ul style="list-style-type: none"> • Piecemeal development will have an adverse impact upon existing infrastructure in the area, particularly 	<p>The Education Authority has been consulted and has requested a contribution for primary education.</p>

<p>schools, doctors and dentists.</p>	<p>The NHS has been consulted and has requested a contribution to increase capacity at the local GPs practice.</p> <p>Other infrastructure issues are addressed above.</p>
<p>Drainage</p> <ul style="list-style-type: none"> • General concerns about drainage and question the effectiveness of the proposed SUDs scheme • Impact upon Riparian rights of neighbour 	<p>A Flood 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>Under the Surface Water Management Act 2010, the requirement for the use of Sustainable Drainage (SUD) systems is required on a development of this scale. The illustrative master plan indicates aSUDs to allow retention of surface water which controls run off rates preventing flooding of the site. The aim of SUDS is to restrict development runoff at peak flow rates to predevelopment rates, in this case – greenfield run off rates will apply, to ensure they do not add to flooding issues.</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>The neighbour who expressed concern about their rights and responsibilities has been offered advice by the Environment Agency. The key issue is that surface water from the development should be restricted to greenfield run-off rates. This would be assured by the measures described above.</p>
<p>Highways and Road Safety</p> <ul style="list-style-type: none"> • Development would exacerbate existing highways problems such as congestion, particularly during peak times and on market days. • All new development should halt until a by-pass has been provided. • Concerns about road safety ,including pedestrian safety, especially dangers for local school children. • Increased air pollution 	<p>The Highway Authority has objected to the application ,see above.</p> <p>This Authority supports the Highway Authority’s advice that planning permission should be refused because it would have an adverse impact upon the safe and efficient operation of the highway network; the proposed mitigation is inadequate and the proposals would direct traffic onto inappropriate routes.</p>
<p>Character of the Area</p> <ul style="list-style-type: none"> • Adverse impact upon the character and appearance of the area • Negative impact on the countryside 	<p>The application site is located in the open countryside as defined in the Local Plan.</p> <p>It is considered that the erection of up to 225</p>

<ul style="list-style-type: none"> • Loss of open spaces and green wildlife corridor • Will harm Melton Mowbray's "rural capital of food" unique selling point with consequent adverse impact upon tourism 	<p>dwellings would result in a development with an 'urbanising' effect on land that is currently undeveloped and in the open countryside. Due to the scale of development proposed it is inevitable that the character of the area would be altered from its existing form. It is considered this impact should be considered in the balance of 'harm' against 'benefits' described in the Planning Policy section above.</p> <p>The illustrative layout indicates that the density of the proposal is in a similar range to that of the surrounding area and as an 'edge of settlement' location would not be out of keeping with the surrounding form of development.</p> <p>The site is located within Zone A of the Melton Landscape Character Assessment, which is described as having high landscape character sensitivity. The Character Assessment states that the high landscape sensitivity of the local area derives from the strong characteristic established landscape framework of hedgerows traversing and bounding higher ground ridges of open mixed farmland which is described as a well-managed rural landscape.</p> <p>The immediate site context is influenced by the proximity and scale of the adjacent John Ferneley College buildings and surrounding playing fields which provides a prominent built feature discernible across the wider landscape. This results in the area including the application having urban fringe characteristics and close relationship to the built up area beyond the currently defined residential settlement boundary at the northern edge of Melton Mowbray.</p> <p>The illustrative masterplan indicates that due to the limited extent of adjoining existing built form to the west of the site a new woodland copse is proposed to serve as a principal screening block to limit the perceived density of the development. Secondly, the provision of new structured northern boundary landscaping, with development offset along this boundary would help to assimilate the scheme into the wider urban fringe context beyond the settlement edge.</p> <p>The application has been accompanied by a Landscape and Visual Appraisal. The LVA has informed the identification of a development framework that will limit any likely adverse landscape and visual effects on the character and appearance of Melton Mowbray and the surrounding landscape. This concludes that the visual setting of the site is contained by a combination of landform, built development and vegetation. It considers that over time the development has the potential to secure landscape benefits through the provision of new areas of</p>
--	---

	<p>structural landscaping and open spaces. The LVA notes that these spaces would be managed in accordance with a landscape and ecological plan.</p> <p>The LVA confirms the limited landscape features that exist within and abutting the site and these are largely to be retained. The LVA only identifies high to moderate adverse impacts for those dwellings immediately overlooking the site. The number of properties affected is limited by the topography and their proximity to the site. The LVA identifies neutral or minor adverse impacts on the landscape value to the wider area which includes existing residents, drivers on Scalford Road and users of the adjacent school.</p> <p>Objectors have referred to the Nottingham Road application (14/00078/OUT) which was refused permission because of the impact upon the countryside. In that case the countryside was considered to be significant because of its close proximity to housing and the existing built up part of the town which enclosed it on two sides. This site is in open countryside outside the built up area of the town and does not share that significance. However this position was rejected at appeal.</p> <p>Part of the proposal is to include a Sustainable Urban Drainage System</p> <p>The proposed location, on the edge of the built settlement, and enclosed by development to the west, which extends further north than the proposal, and mostly enclosed to the east and south by existing properties is considered to have limited harm to the open countryside. The application has been well designed with the illustrative masterplan showing green corridors, public open spaces and amenity spaces which enhance the proposal.</p> <p>The proposal would lead to development of agricultural land in the designated open countryside but the limited harm is considered to be insufficient to warrant refusing planning permission.</p>
<p>Residential amenity: Overlooking/loss of amenity</p> <ul style="list-style-type: none"> • Loss of privacy and intrusive impact of new housing. 	<p>This is an outline application supported by an illustrative masterplan layout. No details ,other than the access road from Scalford Road,are submitted for approval at this stage.</p> <p>While no details have been submitted the illustrative plan indicates that there is sufficient space on the site to ensure that the siting and layout of the proposed dwellings is not likely to have an unacceptable impact upon the privacy of</p>

	<p>neighbours. The details of this relationship would be assessed upon the submission of reserved matters.</p> <p>It is not considered that the proposal would have a detrimental impact on the residential amenities of adjoining properties and is considered to comply with Policy BE1 of the Local Plan.</p>
<p>Wildlife</p> <ul style="list-style-type: none"> Loss of wildlife habitat 	<p>Appropriate surveys have been submitted and have been independent reviewed by the Council's Ecological advisor. The consultee did not object to the proposal (see above)</p>
<p>Affordable Housing</p> <ul style="list-style-type: none"> If approved the development should provide low cost/starter homes. 	<p>Policy requires affordable dwellings on all appropriate sites. The affordable housing proposed for this scheme is for 40% of the development which would meet identified need for the area .</p> <p>The rest of the site would be open market housing. While no details have been provided at this stage a condition could ensure that a mixture of 2, 3 and 4 bedroom dwellings are provided on the site. It is considered that this mix of properties would comply with Paragraph 50 of the NPPF.</p>
<p>Other matters</p> <p>There are brownfield sites and empty areas of land that are suitable for building.</p> <p>Adverse impact upon the amenities of neighbours due to noise ,disturbance and pollution from this development ,especially during building works on the site</p> <p>Loss of privacy and intrusive impact of new housing</p> <p>Loss of views</p>	<p>Noted, the application is proposed on the above site and as such is required to be determined on its own merits.</p> <p>Noted, it is considered that the construction phase is temporary and the developer would have a duty of care whilst building.</p> <p>There is sufficient space on the site to ensure that the siting and layout of the proposed dwellings is not likely to have a significant impact upon the privacy of neighbours. The details of this relationship can be assessed upon the submission of reserved matters.</p> <p>Loss of view is not a material planning consideration</p>

Conclusion

The Borough is deficient in terms of housing land supply and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of proximity to services and facilities and with reasonable transport links. There are a number of other benefits of the scheme which include developer contributions , the creation of new jobs and support for the local economy

A series of issues have been raised which can be addressed without adding weight either in favour or against the application, either because they have not been substantiated or because solutions have been put forward. These are addressed above and the Committee will note the comments made in respect of infrastructure, wildlife interests, residential amenity, drainage and loss of agricultural land.

It is considered that balanced against these positive elements is the very significant harm to highways and transport. The development would have a severe impact the local highway network, without evidence that it would make an adequate contribution to any possible mitigation.

The Inspector's recommendations in relation to the Core Strategy Examination are a material consideration for this application. On assessment, the concerns raised by the Inspector in relation to in relation to the Core Strategy are not considered to be replicated when applied to this specific site.

In conclusion it is considered that the significant harm to transport and highways outweighs the benefits of the development

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 not be granted.

Recommendation: REFUSE for the following reasons:

- 1. The proposals would result in an unacceptable material impact to the safe and efficient operation of the highway network and the submitted highway proposals fail to adequately mitigate that impact or are undeliverable.**
- 2. The mitigation measures proposed by the applicant fail to address the impact those measures are likely to have on the wider highway network.**
- 3. The proposed mitigation measures would result in an increase in traffic as well as heavy goods traffic being routed onto inappropriate routes.**

Officer to contact: **Mr P Reid**

Date: 24th March 2015