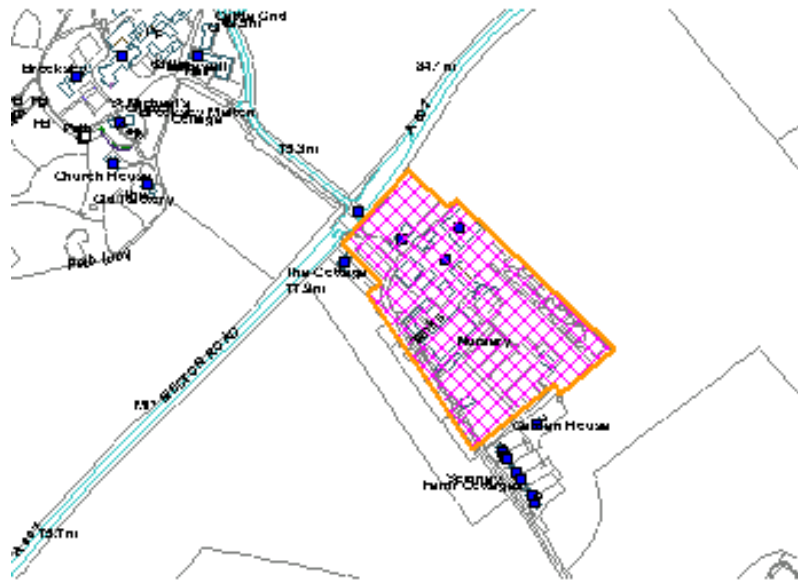


Reference: 15/00246/OUT
Date submitted: 15.03.2015
Applicant: Brooksby Melton College
Location: Spinney Campus - Brooksby Melton College, Melton Road, Brooksby Melton Mowbray
Proposal: Mixed use redevelopment for residential development (upto 70 dwellings) B1 development (upto 850 sq metres) and village shop 100 sq metres (A1) with means of access



Proposal :-

This application seeks **outline planning permission for up to 70 dwellings**, office development ('B1') and a shop with access from the A607 Melton – Leicester Rd. The land falls outside of the village envelope and in 'open countryside'

Access to the site is proposed directly from the A607 and makes provision for an exiting bridleway at this point. The application is directly associated with application 15/00247/FUL for King St, Melton Mowbray elsewhere on this agenda which provides affordable housing as an 'off site' provision attributable by this development.

The proposal is part of the College's development programme and detailed information has been provided to explain that its proceeds will support the ongoing improvement of the facilities of the college at both its Melton campus and Brooksby, including significant repairs to the Grade II listed Brooksby Hall that lies opposite, as well as funding the affordable housing proposed at King St, Melton Mowbray.

This development programme comprises the following:

- Improvements to the theatre at the Melton campus (value of £2.3 million)
- Provision of affordable housing on the King St campus (25 units)
- Repairs/improvement to Brooksby Hall (£575,000)

The works that the proposal would support at the Melton campus have been fully designed and where applicable have obtained planning permission.

It is therefore necessary that this application is considered in a composite manner with the application at King St and that already approved for the Melton campus (Asfordby Rd) in the evaluation of harm and benefit. This proposal is therefore dependent on those at Asfordby Rd and King St and the linkages between the developments would form the basis if a s106 agreement to ensure that they proceed in a co-ordinated manner ('phasing') and funding is used for the intended purpose.

The application is in outline with all matters reserved except for access

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Sustainable development**
- **Traffic and access**
- **The 'planning balance' of harm and benefits**

The application is required to be presented to the Committee due to the level of public interest and because this component is a departure from the development plan.

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

Policy OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

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 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.

The National Planning Policy Framework 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

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

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

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>Highways Authority: No objection, subject to conditions.</p> <p>The Local Highway Authority advice is that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report</p> <p>The application was accompanied by a detailed Transport impact assessment which has been reviewed and the HA are satisfied with its findings in respect of:</p> <ul style="list-style-type: none"> • Junction safety • Traffic generation • Traffic distribution • Off site highways works • Junction capacity <p>Conditions are recommended requiring:</p> <ul style="list-style-type: none"> • Phasing of the junction in relation to the development • The standard of internal roads (adoptable standards) • Closure of existing access • Construction traffic and site management <p>(n.b. s106 and Rights of Way issues are addressed below)</p>	<p>The access arrangements have been amended following initial concerns and comprise right hand turning filters in both locations (into the site and towards Hoby), pedestrian refuges, a formal pelican crossing with traffic lights, the extension of footpaths and the bridleway in the vicinity, carriageway widening and signage</p> <p>The access itself is demonstrated to be of sufficient geometry to satisfy HA standards and can be provided with the requisite sightlines for an access within the 60 mph zone (4.5 x 215m in both directions).</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>LCC Rights of Way Officer</p> <p>Pleased to see that the route is fully retained on its existing line within the proposed site layout.</p> <p>However, the application is for outline permission only and details of the treatment should be reserved given that there could be other changes which may have an impact on the route.</p> <p>No objection to the application provided the effect on public's use and the following:</p> <ul style="list-style-type: none"> • Footpaths should, be 2m wide with 1m verge either side. 	<p>Noted. The application seeks outline consent and the layout is not yet fully developed.</p> <p>However the indicative plans show the existing route of the bridleway being maintained through the site and provided for independently of the road layout and the residential development, along the south west boundary of the site.</p> <p>The proposed works to the A607 also take account of the use of the route by horses and caters for this in terms of the width of crossings etc.</p>

<ul style="list-style-type: none"> • Provision of an all weather surface • Planting should allow 1m clearance • No new gates or stiles without the necessary consents • Alternative routes provided if temporary closure is required • Damage repaired at the developers expense • Safety measures in place during construction • Signage provided 	
<p>LCC Ecology – No objection,</p> <p>The ecology survey submitted in support of the application (Smeeden Forman, January 2015) found no evidence of protected species on site. No habitats of significant ecological value were recorded and the site was generally considered to be unsuitable to support protected species. We are satisfied with these conclusions and no additional survey work is required at this stage.</p> <p>However, the applicant must be aware that ecology surveys are only considered to be valid for a period of two years, after which an updated survey should be completed. We would request that a requirement for an updated survey is forwarded as a condition of the development, should planning permission be granted.</p> <p>We would request that the layout to the eastern boundary of the site is reconsidered in order to provide a buffer between plot boundaries and the boundary hedgerow. Further justification for this can be found in the attached Hedgerows and Planning guidance note (section 3).</p>	<p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist. The requirement for an update can be secured by means of a condition.</p>
<p>Environment Agency</p> <p>The proposed site lies on superficial glaciofluvial deposits, the Thrussington Member Diamicton and the Rotherby Member clay and silt. The Wilmcote Limestone Member, Cotham Member, Westbury Formation and Blue Anchor Mudstone Formation also underlie the superficial deposits. The superficial glaciofluvial deposits are classed as a Secondary A aquifer under the Environment Agency’s Groundwater Protection Principles and Practice. A tributary of the River Wreake is also located approximately 250m from the site. Controlled waters in the area require protection from pollution.</p> <p>A Combined Phase 1 Desk Study and Phase II Exploratory Investigation Report (BSP Reference 14486, 26 January 2015) has been submitted in support of the application. The site was formerly an agricultural college and a nursery. The report confirms that 8</p>	<p>Noted.</p> <p>The proposal was accompanied with a Contamination Assessment but further investigation is required.</p> <p>This can be secured by condition as recommended by the Agency.</p>

<p>above ground storage tanks (AST) are present on site with one AST still in use.</p> <p>Strong hydrocarbon odours were detected in WS 16 (0.5 – 1.3m below ground level) and WS19 (0.8 – 3m bgl). Elevated Total Petroleum Hydrocarbons have been identified in WS 19 at 1.8m and 2.6m below ground level. The Environment Agency would agree with the recommendations for supplementary sampling works around the three AST's that have not been investigated previously.</p> <p>Further assessment should be undertaken to determine whether there is an unacceptable risk to controlled waters from hydrocarbon contamination present on site.</p> <p>Conditions are recommended to specify the nature of the investigations required.</p>	
<p>Lead Local Flood Authority:</p> <p>The LLFA does not support the statements relating to discharge rate made in paragraph 3.3.2.5 within the Flood Risk Assessment (FRA). According to the Non-Statutory Technical Standards, S3 “For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.” The FRA does not indicate any attempt to assess the Greenfield run-off rate for the developed area and subsequently does not conform to the guidance.</p> <p>The Flood Risk Assessment should assess the greenfield run-off rates for the proposed development and indicate how the development could accommodate matching the greenfield run off rate for the site, if this is not practicable evidence should be provided and some betterment offered (at least 30% reduction for this site). The existing drainage system for the brownfield site should be investigated to assess the pipe leaving the site and the effective maximum discharge rate.</p> <p>However, given the outline nature of the application this can be controlled by condition: <i>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the LPA.</i></p> <p><i>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help</i></p>	<p>The application is accompanied by a Flood Risk Assessment (FRA) The FRA concludes that the site is not vulnerable to flooding and is in ‘flood zone 1’</p> <p>The application seeks outline consent and conditions can be imposed to ensure appropriate drainage methods are incorporated within the reserved matters application. Details of future maintenance also needed.</p>

<p><i>improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off onsite up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.</i></p> <p><i>The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the LPA.</i></p>	
<p>MBC Environmental Health</p> <p>(a) Contamination</p> <p>Satisfied that the studies undertaken provide sufficient information on the nature and extent of potential contaminants and recommend conditions o the following:</p> <ul style="list-style-type: none"> • A ‘phase 2’ investigation looking at the site of oil tanks • Response if contaminants are found on site • Imported soil is sampled for contaminants before use • Soil from the exiting site not to be used until fist analysed for its content <p>(b) Noise</p> <p>Comments on the Noise Assessment as follows;</p> <ul style="list-style-type: none"> • Section 4.1 Survey Methodology. The sampling periods at each monitoring location, as little as 1hr and 50minutes, are particularly short to sufficiently characterise the noise environment. Given that the primary noise source at monitoring location 1 is the A607, it is unclear as to why the consultant did not use the methodology set out in the Calculation of Road Traffic Noise (CRTN) wherein the minimum monitoring time period is 3hours as per the shortened method. • Section 5.1 Selection of Noise Criteria. The consultant has married definitions provided in the Noise Policy Statement for England (NPSE) with British Standard 8233. Whilst BS 8233 should be considered (along with other considerations), the NPSE does not make such specific references to BS 8233. This is the consultants interpretation. • I was unable to obtain the same ‘vent’ St values quoted by the consultant. However, using the St values provided I was able to follow and replicate the consultants calculations from a select sample. • No justification is given for the choice of reverberation time or the use a static reverberation time across all frequencies. • The calculation are based on assumed room sizes and façade elements. These are likely 	<p>The comments on contamination are similar to those from the Environment Agency (page 5 above) and can be incorporated as conditions.</p> <p>The comments on noise relate to the detailed designs that are not yet fully developed as the application is in outline. However they indicate that the site is capable of development with an acceptable noise environment and as such are not grounds for refusal. Conditions are therefore appropriate as recommended.</p>

<p>to change at reserved matters; therefore, further work is needed at the reserved stage to demonstrate that façade acoustic specification is still applicable.</p> <p>Continuous ‘whole dwelling ventilation’ rates will need to be achieved on the presumption of windows being closed. This must include any non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels due to internal noise transmission. ’</p> <p>Recommends conditions addressing the above at ‘reserved matters’ stage, once exact building designs and locations are established :</p> <p>1. No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. As a minimum the scheme must achieve the façade acoustic specifications outlined in noise impact assessment DC1677-R2. The acoustic mitigation scheme shall include a copy of the approved ventilation scheme wherein ‘whole dwelling ventilation’ must be achieved on the presumption of windows being closed including non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels. The acoustic mitigation scheme shall demonstrate that the proposed habitable rooms are not so different in specification to those assumed in the noise assessment as to materially affect the suitability of the proposed façade acoustic specification. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.</p>	
<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted.</p>
<p>Parish Council: Objects</p> <p>1. Sustainability of the proposed development.</p> <ul style="list-style-type: none"> • The scheme does not integrate in to its surroundings. It is an isolated ‘island’ overlooking a quarry that will be developed and infilled for a further 17 years (at least). • The development is not close to community facilities. It will be a housing estate without any proper facilities. • The ‘village’ shop will not be supported by this development and as it is set back from the A607 it is most unlikely to be supported by passing trade. It is not sustainable, research says a shop requires a catchment of at least 500 dwellings. • There is a bus service which runs along the A607, but it does not operate on Sundays or 	<p>The application is directly link to two others and therefore should be considered ‘in the round’ as a complete package (the parish Council’s comments relate primarily to the Spinney site alone and as such are not a holistic view).</p> <p>It is agreed that the site in itself is a highly unsustainable location for development of the nature proposed, although the inclusion of the shop and workspace units mitigate this to some extent in that they offer at least some prospect of alleviating travel demand. Issues of sustainability are addressed in more detail below (pag16)</p>

<p>Bank Holidays. It is therefore almost certain that 70 dwellings will generate another 150 additional cars in order to access employment and facilities off-site.</p> <ul style="list-style-type: none"> • The estate proposed is entirely private housing. This application linked to two others in Melton has put the affordable housing in the middle of the town with nothing for this application. This is not good planning, nor does it address the rural concerns about the provision of affordable housing in the four communities of our Parish. • This development does not reflect local need or have its own distinctive identity or character. It would be a continuation of the functionally designed developments achieved by Brooksby Melton College to date. Such a development would find it difficult to create community and consequently find it difficult to establish itself as a place where people would want to settle down in. It could become a transitional ‘stopping off’ place for people to live while they looked for their proper long term home. • The scheme does not engage with its existing surroundings. • The inclusion of three rural enterprise units doesn’t appear to properly connect in with the application. The opportunity for local employment is missed and most will need to travel away for employment. • The SHLAA does not identify any additional housing at Brooksby and with only 15 houses in the Brooksby Ward and only 8 at the Spinney Site the development is totally out of proportion to the size of the existing community. The new development would also be bigger than nearby Rotherby and Ragdale and almost the size of Hoby. The impact on the local community and infrastructure has not been investigated enough to clearly answer questions of how this will affect the local villages. <p>2. Highways concerns and Safety issues.</p> <ul style="list-style-type: none"> • There is much concern with regard to the A607. It has great difficulty coping with heavy traffic at peak times now and the cumulative increase in traffic now using the Hoby Road is significant. • The new Brooksby Melton College has been built on a green field site. This could have been on a redeveloped spinney campus. The argument to transfer the college to the other side of the road to make it more accessible is negated by developing a large housing estate on the Spinney campus now. • With the increased traffic on our local network of unclassified lanes and the proposition of additional traffic coming through Rotherby and Hoby and Ragdale in particular to 	<p>The provision of affordable housing as an ‘off site’ solution is acceptable in principle and has been achieved elsewhere. The NPPF require LPA’s to have a flexible approach to the provision of affordable housing and it is considered that the town location for affordable housing is preferable to the Brooksby site for the same reasons as the Parish Council raise regarding isolation, access to facilities and transport links. The affordable housing is not intended to provide specifically for identified need arising from Brooksby or the Parish area, rather it is for the wider housing market. The latest evidence of need (the 2014 SHMA) indicates that 37% on new housing should be ‘affordable’</p> <p>That this site has come forward as an application rather than a ‘SHLAA site’ through the local plan process does not impact on the evaluation or manner in which it should be decided.</p> <p>The size relative to other villages /hamlets is noted but it is considered it is sufficiently separate to avoid impacting on them in a physical sense, i.e. their character, key features etc. Its proximity however is such that residents may well use local facilities (e.g the pub in Hoby; churches etc) and assist in their support.</p> <p>The application is accompanied with a Traffic Impact Assessment which has been validated by the Highway authority in terms of its approach and conclusions. This includes how it has calculated traffic flow and distribution, including that only 5% of ‘new’ traffic is anticipated to travel towards and through Hoby.</p> <p>The access has been designed in the light of this assessment and proposes a significant redesign of the area where the site access and Hoby Rd meet the A607, including better bus stops, a formal crossing point, footpath provision and accommodation of the bridleway. It is considered that several of these represent significant benefit,</p>
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<p>access the A46, the road infrastructure is not capable of dealing with this.</p> <ul style="list-style-type: none"> • Many students still need to cross the road to a proposed re positioned bus stop, and a pelican crossing would be provided. The speed limit would need to be reduced and we understand there are no plans to do that. So an increase in traffic, some of it an increase in lorries does not provide a good combination for the road safety needs • The upgrading of the Hoby Road to improve visibility and safety does not suggest addressing the junction itself. <p>Although all traffic identified is not connected to the proposed application the cumulative traffic increase is as a consequence of the actions of Brooksby Melton College, and as such the needs of the entire junction should be considered as a part of the total change to the local infrastructure.</p> <p>3. Neighbourhood Plan</p> <ul style="list-style-type: none"> • The proposal should be deferred until the Neighbourhood Plan is complete. 	<p>particularly the crossing, signage and bus stop arrangements which will assist the safety of students.</p> <p>The site access itself is provided with adequate sightlines (4.5m x 215m) and the new junction would include warning signage and illuminated bollards to alert drivers to its presence.</p> <p>The Highways Authority is satisfied with the access arrangements and has no objection to the proposal (see page 4 above).</p> <p>National Planning Policy Guidance states that :</p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”</i></p> <p>It goes on to advise that “ <i>Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period</i>”</p> <p>Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.</p> <p>The Neighbourhood Plan is still in development and has not made any proposals or consulted upon them.</p> <p>It is considered that the NP is not in the position to which the National Guidance advises ‘prematurity’ concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.</p>
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<p>4. Environmental impact</p> <ul style="list-style-type: none"> • Every possible environmental concern should be investigated. Councillors don't see enough evidence of this. The plans show two areas which in the future could provide open access to other land which could possibly be used to expand the site in the future. • No consideration is given to the 'urban creep' that continues out from Leicester and Melton Mowbray. Rearsby is joined to East Goscote etc until you get to Leicester and if the estate were built it invites future infill to link Rearsby to Brooksby. Ribbon development is certainly not uncommon. Melton Mowbray continues to move out towards the Samworth factory and increased pressure will be put on Kirby Bellars and also Frisby on the Wreake. • A green wedge is required to ensure that the urbanisation of the country side along the A607 is protected but also across the agricultural land from the county boundary with Nottinghamshire at Six Hills through to Gaddesby and Ashby Folville. This would protect small rural communities and preserve the character of the villages from development in unsustainable parts of the Borough. 	<p>The site is isolated and in terms of its appearance will need to be adequately landscaped to assist in assimilating it into the landscape. Potential space for expansion is common to every location that adjoins undeveloped land but the application must be considered on its individual merits. The application is unique in its purpose and 'offer' and as such is not considered to form a precedent.</p> <p>Whilst there is demand for growth of Melton and the villages further east, it is considered that the suggestion that they may impinge on one another or coalesce is exaggerated. Even the highest estimations of future growth (currently being examined through the local plan) show limited expansion of the town and modest infilling of villages. They would remain separated by extensive agricultural land and retain their own separate identities and character.</p>																
<p>Charnwood Borough Council considers the site to be in an entirely unsustainable location for residential development, contrary to the presumption in favour of sustainable development at the heart of the NPPF. The amendments to the access do not alleviate these concerns.</p>	<p>Noted – see comments on sustainability below.</p>																
<p>Leicestershire Constabulary</p> <p>The police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and neighbourhood policing area in which it will be situated. The existing deployment of Police assets to Police the locality are identified to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to identify a series of infrastructure projects necessitated by this development. CIL tests of compliance are applied to these.</p> <table border="0"> <tr> <td>Start up equipment</td> <td>£2704</td> </tr> <tr> <td>Vehicles</td> <td>£1663</td> </tr> <tr> <td>Additional radio call capacity</td> <td>£129</td> </tr> <tr> <td>PND additions</td> <td>£84</td> </tr> <tr> <td>Additional call handling</td> <td>£297</td> </tr> <tr> <td>ANPR</td> <td>£2055</td> </tr> <tr> <td>Mobile CCTV</td> <td>£375</td> </tr> <tr> <td>Additional premises</td> <td>£17993</td> </tr> </table>	Start up equipment	£2704	Vehicles	£1663	Additional radio call capacity	£129	PND additions	£84	Additional call handling	£297	ANPR	£2055	Mobile CCTV	£375	Additional premises	£17993	<p>The applicants have questioned the detailed justification of the Police request but nevertheless have agreed to this contribution.</p> <p>The requests are supported with extensive background information explaining how the need arises and how they are generated specifically by the development. They are not to be 'pooled' and they will be spent only if and when the development proceeds.</p> <p>It is considered that the contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122 and 123..</p>
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Additional premises	£17993																

<p>Hub equipment £140 Total £25440</p> <p>There appear to be op viability issues associated with this application.</p> <p>If these request cannot be met the Police raise a formal objection to this application on sustainability grounds and because the development is unacceptable in Planning terms without the necessary contribution.</p>	
<p>Developer Contributions: s106</p> <p>Highways: 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> <ul style="list-style-type: none"> • Travel Packs; 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). • 6 month bus passes, two per dwelling (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. • Information display cases at nearest bus stop; to inform new residents of the nearest bus services in the area. At £120.00 per display. • Bus shelters at 1 nearest bus stop; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter. • Contribution towards equipping the nearest bus stop(s) with Real Time Information (RTI) system; 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: £5,840. <p>Waste - The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. 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 £5786</p>	<p>S106 payments are governed by Regulation 122 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 transport contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</p> <p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p>

<p>(to the nearest pound).</p> <p>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. The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site.</p> <p>The existing Civic Amenity Site serves a large number of households, the level of the amount reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development.</p> <p>The developer contribution would be used on project reference MEL003 at the Melton Civic Amenity Site. Project MEL003 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> • Canopying of collection areas <p>There are no other known obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL003.</p> <p>Libraries – No claim from Library Services. East Goscote library currently exceeds upper threshold in terms of standards for stock provision and will not be affected by the proposed development.</p> <p>Education – The site falls within the catchment area of Frisby C of E Primary School. The School has a net capacity of 119 and 139 pupils are projected on the roll should this development proceed; a deficit of 20 pupil places (of which 3 are existing and 17 are created by this development). There are currently no pupil places at this school being funded from S106 agreements for other developments in the area. Primary School Sector Requirement is £203,263.37</p>	<p>It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122. There are no more than 5 completed s106's for this project and as such it also satisfies Reg 123.</p> <p>Noted.</p> <p>The contribution would be dedicated to the expansion of the Primary School in whose catchment the development falls and would be directly related to the additional demand it generates. It is considered that the contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122 and 123.</p>
<p>Building Control: The access arrangements will require a turning head to prevent a fire appliance having to reverse more than 20m.</p>	<p>Noted.</p>

Representations:

Site notices were posted and neighbouring properties consulted. As a result **20 letters have been received from 17 separate households** and 2 horse riding organisations. The representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Crossing Arrangements for horse riders:</p> <p>Pelican crossing buttons should be installed at a suitable height for horse riders and the posts supporting the buttons would be set back one metre from the road so that horse's front half would not be placed in the road whilst the rider pressed the buttons.</p> <p>The light-controlled crossing period for the non-motorised and vulnerable users should apply to all roads on the junction simultaneously so that these users are not at the mercy of "right-turners".</p> <p>In addition, the crossing should be clear of any bollards, beacons, etc which could 'spook' a horse and cause it to stop or hesitate during its transit.</p>	<p>Noted – these detailed provision can be made requirements of any permission granted.</p>
<p>Access to existing properties</p> <p>How would access through the site be retained for existing properties</p>	<p>Access from the A607 and other public roads would not be affected by the proposal. Any private rights of access would need to be accommodated and would not be extinguished or 'overridden' by the granting of planning permission.</p>
<p>Impact upon the Character of the Area</p> <p>There is another development proposed in Rearsby and a danger of ribbon development</p> <ul style="list-style-type: none"> - The 'new village' will be out of character with its surrounding area - The development would be bigger than Brooksby or Rotherby; similar in size to Hoby. 	<p>Please see comments on page 11 above opposite the Parish Council's, where similar issues have been raised.</p> <p>Issues of sustainability and the isolated location of the site are addressed blow.</p>
<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> - Traffic along the A607 is heavy and poses dangers - Traffic should be encouraged to use the A607 and not go through villages. Ragdale suffers from HGV traffic and speeding; enforcement is required. - With the proposed development there could be 200-300 residents there should be two outgoing lanes onto the main Melton road the A6006, one to turn left and the other to turn right. - The turning into Brooksby Rd is narrow and requires heavy braking/. This will be exacerbated by additional vehicles entering/leaving the road that that point. The hazards are added tom by the no. of students crossing roads to reach public transport and HGV/agricultural traffic in the area. - Traffic trough Hoby would exacerbate 	<p>The access includes improvements where the site access and Hoby Rd meet the A607, including better bus stops, a formal crossing point, footpath provision and accommodation of the bridleway. It also includes works to Hoby Road to better define its carriageway and reduce conflict between vehicles and pedestrians.</p> <p>The junction benefits from good visibility in both directions and the proposal includes filter lanes for right turning traffic for both Hoby Rd and the site itself.</p> <p>The new access is provided with adequate sightlines (94.5m x 215m) and the new junction would include warning signage and illuminated bollards to alert drivers to its presence.</p> <p>The Highways Authority is satisfied with the access arrangements and has no objection to the</p>

<p>existing problems with narrow lanes, parked cars and tight turns.</p> <ul style="list-style-type: none"> - The access is unacceptably close to residential property for safety reasons - Vehicles approaching the proposed pelican crossing would see it too late. It is a 50 mph stretch of road. - An underpass or roundabout is needed 	<p>proposal (see page 4 above).</p> <p>It is considered that although traffic will be generated in the area, this will be modest in comparison to the existing use of A607 and the scheme includes several features that will be of benefit to both existing road users and new traffic alike.</p>
<p>Residential Amenities</p> <ul style="list-style-type: none"> - The new resident will be in high density housing, their views will be similar to a city estate. - No trees should be removed and screening should be required between the site and existing houses. - light pollution: Hoby village has long fought against any additional street lighting in order to maintain the rural character of the village. We are horrified at the sight of the lighting at the Animal Care Centre and that presently being installed at the new College - 	<p>The site is quite large to accommodate the number of houses proposed. The plans do show an ‘estate’ like design that may be expected elsewhere (though ‘inner city’ is not considered to be an appropriate description) and can accommodate them with ease.</p> <p>Similarly, space exists for landscaping and buffering and these are demonstrated in the illustrative plans.</p> <p>There is no reason to assume floodlighting is anticipated but conditions can be applied to control this if considered necessary.</p>
<p>Sewerage</p> <ul style="list-style-type: none"> - The existing houses do not connect to the College’s main sewer system. There is a private right of access through the site to service a private sewer – this is not catered for in the plans. 	<p>Private rights of access would need to be accommodated and would not be overridden by the granting of planning permission.</p>
<p>Facilities/sustainability</p> <ul style="list-style-type: none"> - There are no significant facilities in the area and new residents would need to commute for everything - It would be an estate ‘in the middle of nowhere’ - The development is not in the local plan - 	<p>Issues of sustainability are addressed below.</p>
<p>Housing need and mix</p> <ul style="list-style-type: none"> - If this new estate is built it would need its share of affordable housing, which the nearby villages lack. These would be attractive to young people from those villages and to staff at the college. 	<p>Please see comments regarding the ‘off site’ provision of affordable housing opposite the comments of the Parish Council where the same point has been made (pages 8 and 9).</p>
<p>Other Considerations</p> <ul style="list-style-type: none"> - The site contains restrictive covenants limiting use to educational - The proposal seems to be only a money making exercise - The application should be ‘full’, not outline, to enable certainty. - No account has been taken of the existing pedestrian access serving the college’s aboretum. 	<p>Restrictive covenants are not material planning considerations, not are they overridden by the granting of planning permission.</p> <p>The application is in outline with matters reserved. Full details would be required as ‘reserved matters’ should permission be granted. As an outline application, only matters of principle are addressed at this stage.</p>

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
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<p>Sustainability</p> <p>The application is presented as part of a wider approach alongside proposals to develop the College’s King St, Melton Mowbray campus for affordable housing and works to the Asfordby Rd college site to develop its facilities and the theatre in particular.</p> <p>It is considered appropriate to consider the applications in a composite form, but the connection is inherent to any decision and as such should be linked together by a s106 agreement addressing their interrelationship and phasing (as well as more conventional matters such as contributions etc.).</p>	<p>The application (and those connected) is considered to be highly unsustainable in terms of its location, with no facilities in the immediate vicinity and a significant travel distance required for most. However, ‘sustainable development’ is not limited to the location but comprises the ‘environmental’, ‘economic’ and ‘social’ strands also.</p> <p>The applicant has submitted that – when considered in the context of the associated applications - it performs well and contributes to other aspects of sustainable development as follows:</p> <ul style="list-style-type: none"> • Provision of housing and 25 affordable houses at the King St site (paras 49 -55 of the NPPF) • Promoting healthy communities, through the provision of the support for the Theatre and its long terms sustainability. Also the contribution the workspace units and shop could make in the Brooksby area • The effective use of brownfield land at both the Spinney site and King St locations (para 111) • Conserving the historic environment – the generation of funding to repair Brooksby Hall (Grade II*) <p>The applicant recognises that these aspects are required to be secured as deliverable (as opposed to aspirational) and has therefore agreed that conditions and/or a s106 agreement is in place to ensure the delivery of various components on the site itself and off site contributions such as the affordable housing at King St. This includes commitment that the shop and employment uses will be developed alongside the residential development at the Spinney site and that it will be operated by the College for a period of 1 year.</p> <p>The applicant has also provided detailed information to demonstrate that the scale of the development at The Spinney is designed to generate the funding necessary for the Theatre improvements, repairs to Brooksby Hall and provision of affordable housing only, with no surplus generated for other purposes. This is considered significant because it reinforces the inter-dependencies between the sites and also demonstrates its scale is ‘needs’ driven as opposed to speculative.</p> <p>A ‘rounded view’ of sustainable development is required. The concerns identified in relation to the application relate predominantly to the ‘environmental’ strand of sustainable development. However, the application performs better in respect of the other stands,</p>
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	particularly the ‘social element’.
<p>Housing supply issues</p> <p>There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing and is not in a position to demonstrate a 5 year land supply. Between 2011-2015 351 new homes were built, based upon the requirements of the Strategic Housing Market Assessments 908 were needed. From sites currently under construction or with valid planning permission the Council can demonstrate a deliverable supply of 800 new homes which equates to approximately 2.5 year land supply.</p>	<p>The application would make a significant contribution to housing supply and a vehicle for the delivery of affordable housing in Melton Mowbray.</p> <p>The application is in outline and is capable of a variety of designs such that an appropriate mix of house types could be accommodated with ease. These are issues that should attract weight ‘in favour’ of the proposal.</p>

Conclusion

It is considered that the development plan is out of date in many respects and that the application presents issues that are not addressed by its content. The application therefore falls to be considered under para 14 of the NPPF (‘the presumption in favour of sustainable development’) and requires that “planning permission should be granted unless any adverse impact would significantly and demonstrably outweigh the benefits”.

This is a familiar position for the Committee, particularly in relation to housing sites. However, this proposal is considered to be unique in its ‘offer’ of benefits but also unusual in respect of the scale and nature of ‘harm’.

The benefits can be summarised as follows:

- provision of housing, particularly in the context of a shortfall of supply
- provision of B1 floorspace;
- highway improvements including safer pedestrian crossing facilities;
- provision of affordable housing;
- improvement to cultural facilities (the theatre);
- enhancement to cultural heritage in a way that could not be provided through the public purse without permission being granted;
- the dedication of land to Mencap.

Within this list are issues that NPPF states should attract very significant weight – most notably the heritage concerns relating to Brooksby Hall (para 132) and the contribution to housing supply (para 47).

Balanced against these is the location of the site as fundamentally unsustainable due to its distance from facilities and resultant high level of car dependency. As stated above, whilst location is not the sole determinant of sustainability, it is considered it’s the main factor (in the context of the Borough and this location) and drives ‘at the heart’ of sustainable development required by the NPPF

In conclusion it is considered that, on the balance of the issues, whilst there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply, affordable housing and conservation in particular, the balancing issue – development of a site in an unsustainable location, is very significant and should attract ‘weight’ accordingly.

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 refused.

Recommendation: REFUSE, for the following reason:

In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location, where there are limited local amenities, facilities and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the harm arising in this location.

NOTE TO COMMITTEE:

Any grant of planning permission should be subject to the following:

- (a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:
- (i) Contribution for the improvement to civic amenity sites.
 - (ii) Contribution to sustainable transport options
 - (iii) Contribution to education provision
 - (iv) Contribution to Leicestershire Constabulary for Policing infrastructure
 - (v) 'Trigger points' (phasing) for the provision of affordable housing at King St , implementation of the works to the Theatre at the Asfordby Rd campus and works to Brooksby Hall in relation to the Spinney development.
 - (vi) Operation of the shop on the site for a period of 1 year (minimum) by the College
- (b) Conditions addressing the following to include:
- Submission of reserved matters
 - Time limits (s 91)
 - Landscaping
 - Landscaping and open space maintenance
 - Additional noise assessment
 - Additional contamination assessment
 - Phasing for provision of shop and industrial units in relation to housing
 - Archaeology
 - Drainage and use of SUDS
 - Provision of highways works including bus stops and pelican crossing, and their timing
 - Maintenance of sightlines free from obstruction
 - Specification of pelican crossing facilities for use by horse riders
 - Specification of bridleway through the site

Officer to contact: **Mr J Worley**

Date: 1st December 2015