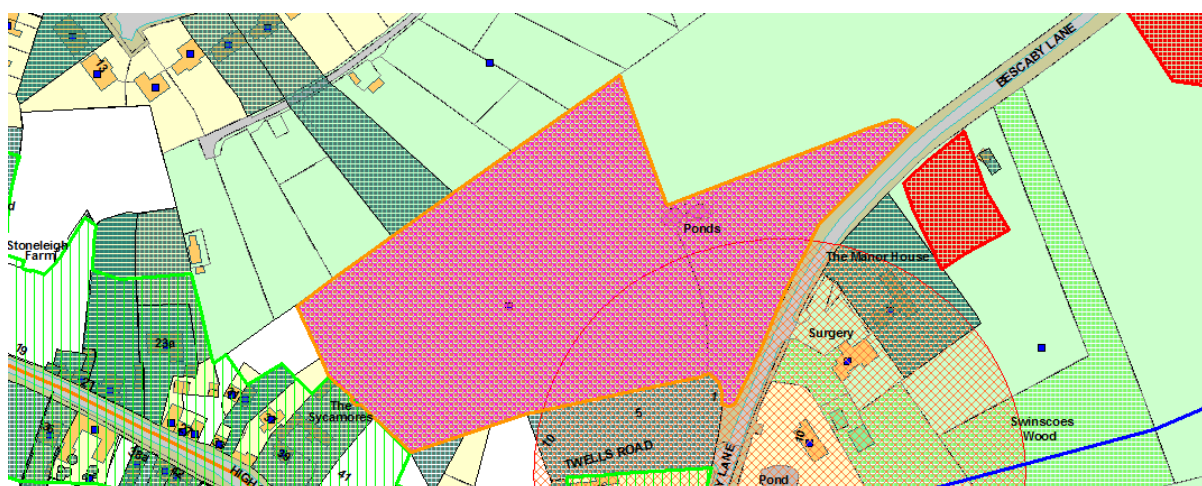


**Reference:** 16/00793/OUT  
**Date submitted:** 25.10.2016  
**Applicant:** Davidsons Developments Ltd And The Bicker Family  
**Location:** Field OS 1100 Bescaby Lane Waltham On The Wolds  
**Proposal:** Outline Planning Application for up to 45 No. Dwellings



The application is reported back to Committee following deferral on 21st February 2017 to consider the following issues:

1. Confirmation of Water supply issues that have been raised
2. The contribution of section 106 funding required for additional school places

In response to these points:-

1. There are serious concerns about the water supply in Waltham on the Wolds, and about sewage/foul water disposal in the village. These issues have been looked into further and STW advise that the state of the sewerage system was taken into account in devising their comments but more constructively, that **the impact of new connections would be assessed and Severn Trent would undertake the necessary improvements.**

With regard to the water supply issues raised it is advised that STW would undertake a detailed analysis of the network when an application for connection is made (outside and additional to the planning application process). This would identify the impact that the development would have on supply and pressure and the need for any reinforcements or enhancements required to the system, which would then be implemented at the developer's expense. It is important that this is done at the time a connection is due because the supply network is constantly developing. **STW advise that there are a range of reinforcements/enhancements that could be carried out and they are confident the development could be served without detriment to existing supplies.** For information they have advised that water pressure is constantly monitored and they are aware of periodical reductions in water pressure in the area, and these have been a result of burst mains but otherwise pressure has been maintained at the appropriate levels.

2. LCC Education have reconsidered their position and advise that the proposals both individually and more so cumulatively could not be accommodated on the basis of the finding requests originally lodged. This is because the school also require a School Hall which was not factored into the LEA's original request for contributions. The LEA that they are working with the school to design how this may be achieved and calculate the contributions necessary for each development to facilitate it.. Feasibility is in hand but not yet concluded .

## Proposal :-

This application seeks **outline planning permission for up to 45 dwellings**. The land is situated on the eastern edge of Waltham on the Wolds. Access to the site is proposed directly from Bescaby Lane to the north of the properties on Twells Road. The site is considered to be greenfield site with no presumption in favour of development

**The application is in outline with access to also be considered,**

**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**
- **Impact upon residential amenities**
- **Sustainable development**
- **Traffic and access issues**

The application is required to be presented to the Committee due to the level of public interest and amount of representation received.

**History:-** None

**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 H11:** planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the Councils standards at Appendix 6 of this Local Plan (on developments of 50 or more dwellings, every dwelling must be within a 5 minutes walk (240m straight line distance) of a LEAP (Local Equipped Area for Play).

**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 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:**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Natural England:</b> No comments</p>	<p>Noted – being close to an SSSI it was important to check whether Natural England had any comments to make about this application.</p>
<p><b>Highways Authority - No objection, subject to conditions</b> The applicant has undertaken speed readings close to the site access, level with the doctor’s surgery access and recorded 85%ile speeds of 35mph northbound and 36mph southbound.</p> <p>The Applicant has provided site access drawing ref: P 15-506 with visibility splays of 100m to the north of the access and 36m to the south. The CHA is satisfied that visibility in excess of 51m can be achieved to the south of the site however, which would acceptable for the speed of traffic using the road. The visibility splay to the south of the access passes in front of the give way lines for the Twells Road junction and would therefore not be temporarily restricted by the low volume of vehicles stopping on Twells road which may be giving way to oncoming traffic.</p> <p>A Stage 1 Safety Audit has also been undertaken on the proposed site access drawing. This advised the following:</p> <ol style="list-style-type: none"> <li>1. Provision of an uncontrolled crossing point over Bescaby Lane to the doctors surgery</li> <li>2. Lowering of the dropped kerbs at the Twells Road junction so that the maximum upstand is 6mm</li> <li>3. Removal of vegetation/ tree branches around the street lighting column closest to the proposed site to provide appropriate illumination</li> <li>4. Cleaning and repairing the existing 30mph speed limit roundels and an improved gateway feature to reduce vehicle speeds</li> </ol> <p>The CHA is happy for these issues to be taken on board as part of the detailed design, however as Bescaby Lane/ Mary Lane is a no-through route with a low number of vehicles travelling beyond the 30mph limit, the CHA could not justify conditioning a gateway feature to improve the conspicuity of the change in speed limit. Visibility splays are also acceptable for the measured 85%ile speed of traffic approaching the access.</p> <p><b>Off-Site Implications</b> While the proposed development is for 45 dwellings, the TA has assessed the impact on the highway for up to 50 dwellings.</p>	<p>Noted and conditions can be applied as per the comments made.</p> <p>Agreed that the points raised in the safety audit can be submitted and controlled at the detailed stage.</p> <p>Based on Table PDP1 of the 6C’s Design Guide, the applicants do not need to submit a detailed Transport Statement or Transport Assessment, as the development is for 45 dwellings. Therefore the County Highway Authority would not necessarily require a detailed assessment of the Bescaby Lane/ High Street junction to be submitted. In this instance the LCC highways authority are satisfied that a minimal amount of</p>

The CHA has studied the submitted TRICS data and TEMPRO figures and consider these to be acceptable.

The committed development traffic generated by the 26 dwellings off High Street (application ref 14/00777/FUL) has also been considered.

The submitted traffic flow diagrams, which were based on existing turning proportions, appear to be inconsistent with the development trip generation figures stated within the TA, with the AM peak in particular showing higher development flows arriving/ departing from the site.

The applicant has also undertaken capacity assessments for the A607 Melton Road / High Street / Goadby Road and A607 Melton Road / High Street (one way link road) junctions. The higher development flows used within the traffic diagrams are also used within the capacity assessments, however as the results indicate that both junctions are expected to operate well within capacity at the future assessment year of 2021, even with additional development vehicles added to the assessment, improvements to the junctions could therefore not be justified by the CHA.

The 5 year accident history between January 2011 and December 2015 has been studied for the highway network within the village. In addition to these accidents, there have been two recorded slight accidents within the village during 2016. Both of these were 'slight' accidents, with one involving a vehicle turning right on to the A607 from Goadby Road and the other involving a collision with a cyclist on High Street. The CHA could not, however justify any highway improvements on the grounds of road safety with the addition of these two accidents.

The CHA is aware that vehicle speeds are in excess of the mandatory 20mph speed limit in force outside of the school and currently there is no school crossing patrol in operation. The CHA have been in discussion with the Transport Consultants who have advised the applicants would be willing to contribute towards a scheme to improve facilities in the area. We would be supportive of this as there would be an increase in vehicular and pedestrian traffic outside the school. The CHA has also been in discussion with the local community regarding transport issues outside the school over the last few years.

#### *Internal Layout*

It is noted the applicant intends for the internal road network to be adopted. The submitted masterplan has been stated as indicative and as the internal layout of the site is not to be determined as part of this application, the residential road layout and parking arrangements have not been checked in detail. The

traffic currently uses Bescaby Lane, which is effectively a cul-de-sac, and that the addition of the development traffic would not cause congestion at its junction with High Street as there is plenty of spare capacity.

<p>road layouts shown on the submitted Illustrative Masterplan would however not conform to an adoptable standard.</p> <p><i>Transport Sustainability</i> Waltham on the Wolds is considered to be a sustainable location in transport terms and supports a village shop, school, church, village hall, doctor's surgery and pub.</p> <p>Bus service 56, which is an infrequent service running Monday – Saturday between Melton Grantham, runs along High Street past the junction of Bescaby Lane and is hail-and-ride. As part of development ref: 14/00777/FUL, the applicants are required to provide two new bus stops, including timetable cases, poles and flags in the vicinity of the site along High Street. Due to the service traditionally being hail-and ride and the proposed development being approximately 400m from the approved development, no further bus stop improvements are required.</p> <p>The no. 8 service, which is an hourly service between Loughborough and Grantham, is located on the A607 Melton Road, which is approximately 800m from the proposed development.</p>	
<p><b>Leicestershire County Council Ecology</b> Further information required on various elements including:</p> <ul style="list-style-type: none"> <li>• Clarification on the botanical survey and a species list for the whole site.</li> <li>• An outline GCN mitigation plan should be submitted. This should also include mitigation for reptiles.</li> <li>• Plans should be amended to retain Ash tree T4.</li> <li>• Layout to be amended to provide a buffer from hedgerows.</li> </ul>	<p>Noted and will be included in any subsequent Reserved Matters Application.</p> <p>An amended GCN was submitted and contained details of how to ensure that they were protected. Further consultation will be received at reserved matters to ensure this will be achieved through the construction. Further information has been submitted by the Applicant with respect of the botanical survey, an outline GCN Mitigation Plan has been submitted and the Ash tree will be retained. A Layout to provide a buffer from hedgerow will also be submitted at Reserved Matters Stage'</p>
<p><b>Lead Leicestershire Flood Authority</b> Initially objected but through extensive work with the consultants have produced sufficient evidence to remove the objection and can now advise that the proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority conditions are attached to any permission granted:</p> <ul style="list-style-type: none"> <li>• <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 local planning authority.</i></li> <li>• <i>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and</i></li> </ul>	<p>Noted and conditions can be applied</p>

<p><i>approved in writing by, the Local Planning Authority.</i></p> <ul style="list-style-type: none"> <li>• <i>No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</i></li> <li>• <i>As part of the first reserved matter application a report detailing the findings of the infiltration testing carried out in accordance with BRE 365 soakaway design shall be submitted to, and approved in writing by, the Local Planning Authority.</i></li> </ul>	
<p><b>Leicestershire County Council Archaeology LCC Archaeology</b></p> <p><b>No objection subject to conditions</b></p> <p>Trial Trenching was carried on the site and found light spread of activity was confined to the south-western corner of the development area. Because of this and likely other findings conditions are recommended:</p> <p><i>No demolition/development shall commence until a programme of archaeological mitigation work (archaeological excavation) has been detailed within a Written Scheme of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI shall include a statement of significance and research objectives, and:</i></p> <ul style="list-style-type: none"> <li>-- <i>The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;</i></li> <li>-- <i>A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);</i></li> <li>-- <i>The programme for public outreach and dissemination;</i></li> <li>-- <i>The programme for post-investigation assessment and subsequent analysis;</i></li> <li>-- <i>Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and</i></li> <li>-- <i>Nomination of competent person(s) or organisation(s) to undertake the agreed work.</i></li> </ul> <p><i>For land and structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.</i></p> <p><i>The programme of archaeological site investigation, subsequent analysis, publication, dissemination and</i></p>	<p>Noted and conditions can be applied</p>

<p><i>deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.</i></p>	
<p><b>Severn Trent Water: No objections</b> Foul is proposed to connect into the public sewer, which would require a section 106 sewer connection approval.</p> <p>Surface water to connect into the public sewer, which would require a section 106 sewer connection approval.</p>	Noted
<p><b>Parish Council:</b> Object on the following grounds:-</p> <ol style="list-style-type: none"> <li>1. The site has not been allocated for new housing development within the draft Melton plan or the emerging neighbourhood plan and is outside of the village envelope.</li> <li>2. If approved, this proposal would exceed the requirement of the draft Local Plan by 25 dwellings; therefore we see no need for a further development of this size.</li> <li>3. The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village.</li> <li>4. The density of the development would not be in keeping with the form or character of the village.</li> <li>5. The harm would significantly and demonstrably outweigh the benefits of the development.</li> <li>6. The site is a ‘Saxon Field’ with land use and boundaries that have been unchanged for at least two centuries and would destroy well preserved ‘ridge &amp; furrow’. The ‘desk based’ archaeological survey indicates the potential for archaeological remains from the Roman period and unknown potential for pre-historic and Anglo Saxon remains. The Senior Planning Archaeologist from LCC commented in her response dated 11th January; ‘Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.’</li> <li>7. The site is in close proximity to a site of special scientific interest – the old quarry with an abundance of wildlife.</li> <li>8. Although reference has been made within</li> </ol>	<ol style="list-style-type: none"> <li>1. This is within the new local plan which cannot be afforded full weight as it is not yet adopted (this is addressed in greater detail below).</li> <li>2. As above, as the local plan is not fully adopted and therefore we need to consider the NPPF, particularly paragraph 49 in which makes clear that Housing applications should be considered in the context of the presumption in favour of sustainable development which it is the view that this application represents.</li> <li>3. The scheme albeit protruding from a main road of the village still fits in comfortably between existing properties, particularly to the west and the houses on Windsor Road.</li> </ol> <p>Density and layout issues are not known at this stage owing to ‘outline’ nature of this application.</p> <p>Noted – balancing harm and benefit is the correct basis to assess applications under para 14 of the NPPF</p> <ol style="list-style-type: none"> <li>6. The results of this are still to be concluded and any permission should be subject to such time that archaeological considerations have been fully addressed and the results assessed as acceptable</li> <li>7. Natural England have confirmed that this SSSI is far enough away not to have any significant impact on the scheme .</li> <li>8. Ecology reports were submitted and relevant</li> </ol>



<p>application documents to ecological surveys there are no surveys for Crested Newts, Roosting Bats and reptiles. There is no Phase1 Ecological survey with the application.</p> <p>9. The un-disturbed site provides a safe refuge for significant numbers of birds including kestrel, yellow hammer, linnets, chaff and owls. This development would potentially destroy a long established habitat. The Wildlife Trust has not been consulted in respect of this application.</p> <p>It should be noted that the traffic survey equipment placed in connection with this application was sited in a position to only record traffic going to the hamlet of Bescaby. The location of this equipment means it would not record traffic to Waltham surgery or Twells Road and is therefore inaccurate. Attached are evidential photos.</p> <p>The Waltham and Thorpe Arnold Parish Council request that the application is rejected for the planning reasons stated above.</p>	<p>conditions can be imposed to make sure that this element of the proposal is acceptable.</p> <p>9. These species do not benefit from protection under the legislation except in terms of the nesting habitat in the appropriate season</p> <p>Please see response given concerning the speed survey in the section on page 10 below.</p>
<p><b>Melton Borough Council Building Control:</b> In respect of the proposed site layout, there does appear issues with travel distances to the refuge appliance but, satisfactory for fire access.</p>	<p>Noted.</p> <p>The application is in outline with layout reserved for later approval. These issues would be assessed upon consideration of the layout.</p>
<p><b>Developer Contributions: s106</b></p> <p><b>Highways</b></p> <p>To comply with Government guidance in NPPF 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"> <li>• <b>Travel Packs; to inform new residents from first occupation what sustainable travel choices</b> are in the surrounding area (can be supplied by LCC at £52.85 per pack).</li> <li>• <b>6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs</b> and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass).</li> <li>• <b>Details of the routeing of construction traffic</b>, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.</li> <li>• <b>Pedestrian crossing over the A607 as an additional benefit to the scheme A figure</b></li> </ul>	<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 contributions requested are 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 purposes of highway safety and providing the additional capacity at the relevant school and similarly waste facilities.</p>

**of £30,000 has been proposed by LCC Highways and this has been agreed by the Applicant.**

**Waste** - 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 **£3720** (to the nearest pound).

**Education -**

This request for an education contribution is based on 45 houses and 0 flats/apartments with two or more bedrooms. No claim is made on one bedroom dwellings. Based on the table above, this site generates:

<b>Sector</b>	<b>Number of pupils generated by dev.</b>	<b>Number of pupils for forecasting purposes</b>	<b>No. of s106 funded places in area discounted</b>
Primary	10.80	11	0
11-16	7.52	8	0
Post 16	1.49	2	0

To assess whether there is a claim for an education contribution we look at the current net capacity figure against the average of the two year and four year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

**Primary School Sector Requirement:- £84,693.07**

The site falls within the catchment area of Waltham on the Wolds C of E Primary School. The School has a net capacity of 100 and 107 pupils are projected on roll should this development proceed; a deficit of 7 pupil places after taking into account the 11 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area.

There are no other primary schools within a two mile walking distance of the development.

The 11 pupils generated by this development can therefore be partly accommodated at schools in the area and a claim for an education contribution of 7 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of 84,693.07. Based on the table above, this is calculated the number of deficit

<p>places created by the development (7) multiplied by the DFE cost multiplier (12,099.01) which equals £84,693.07.</p> <p><b>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Waltham on the Wolds C of E Primary School.</b></p> <p>The contribution would be spent within five years of receipt of final payment.</p> <p><b>No requests for other education sectors</b></p> <p><b>SEE ALSO COMMENTS ON PAGE 1 OF THIS REPORT, RELATING TO THE POSSIBILITY OF THE DEVELOPMENT PROCEEDING ALONGSIDE OTHERS PROPOSED.</b></p>	<p><b>These contributions are is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the education infrastructure which would arise due to this proposed development. and are acceptable within CIL Regulation 122 terms as related to planning, proportionate and reasonable in scale</b></p>
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**Representations:**

Site notices were posted, an article was put in the Melton Times and neighbouring properties consulted. As a result **76 letters of objection have been received from 73 eparate households;** the representations are detailed below:

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon the Character of the Area</b> The amount of planning applications that are currently being applied for, the village is likely to double in size over the next ten years.</p> <p>Overdevelopment of the village, leading to a loss of character</p> <p>Concerned that shielding of new development from existing gardens is not planned and would destroy character</p> <p>Increase the light pollution within a conservation area and would be detrimental to the overall look of the village</p> <p>In the wrong location / wrong side of the village</p>	<p>An illustrative masterplan has been developed by the agent following consideration of the constraints and opportunities identified in the accompanying technical reports.</p> <p>The indicative masterplan makes provision for adequate parking and public open space in accordance with the Council’s standards to achieve a well-designed development meeting the needs of future occupiers. It also shows adequate scope to relate satisfactorily to exiting houses, in terms of distance separation etc</p> <p>Waltham as a whole displays housing of varying character including more modern layouts in parts. This site is some distance and separated from the historic core and Conservation Area and would also be viewed and experienced separately from its surroundings so as to avoid creating a stark contrast, or visually conflict; a clear appreciation of its character would only be obtained if entering the development itself. Issues of the cumulative scale of development and location of the site in relation to the village are addressed in greater detail below.</p>
<p><b>Impact upon Highway Safety:</b> Frequent near-accidents when traffic comes up the High Street observed.</p> <p>Foresee many problems on this junction when many more cars will be turning right from Bescaby to join an already badly contested High Street at peak times.</p>	<p>The applicant has supported the application with robust surveys and supporting information that the Leicestershire County Council Highways department have confirmed are acceptable.</p> <p>The Highways Authority have no overarching objection to this development in terms of access and visibility (see page 3 and 4 above) They</p>

<p>Foresee additional congestion problems along High Street and Bascaby Lanes, especially at the junction.</p> <p>Access onto Bescaby lane will add significantly to the traffic flow on this single track road</p> <p>The road junction with High Street and Melton Road and Goadby Road could see an increase in accidents. The road is also used as a diversion if the nearby A1 is closed.</p> <p>New development would add additional pressure to Melton Road, Goadby Road and High Street Crossroads as well as High Street and Melton Road.</p> <p>Access to the site is unsafe</p> <p>False traffic reading was used by the development during traffic assessment – used figures from de-restricted speed zone rather than 30 mph zone.</p> <p>Foresee issues with access for emergency vehicles due to existing parking along the road</p> <p><b>Survey Results</b></p> <p>The strip that measures traffic is actually past the surgery with none before it. This therefore makes for an inaccurate reading of the use of the Lane and only records vehicles using the Lane to the hamlet of Bescaby. This is important because it will reduce the actual vehicle use numbers going in and out onto the High Street thus giving a false reading.</p>	<p>have requested contributions for improvements locally and to create sustainable development. They do have concerns regarding the layout but at reserved matters stage this can be made satisfactory.</p> <p>Conditions imposed will provide a scheme that will not result in an unacceptable impact on highway safety.</p> <p>.</p> <p>See below on comments on the survey</p> <p>The submitted Transport Assessment states that an Automatic Traffic Counter (ATC) was in operation at the location of the proposed site access between 19-25th January 2016. Either way, appropriate visibility splays can be achieved from the site access for the recorded speeds of traffic, and due to the location of the site access it is highly unlikely drivers would speed up further as the junction of Bescaby Lane/ High Street which is only around 140m away from the site access.</p> <p>The applicants also undertook manual counts at the junctions along Bescaby Lane during the peak hours, and the overall existing level of traffic is shown to be low. As well as the doctors surgery, there are approximately 17 properties accessed off Bescaby Lane, the peak hour trip generation from these combined would be lower than what would be generated by the 50 dwellings assessed as part of the proposed development. Overall the Highways Authority is therefore satisfied that the junction would be able to cope with the additional development traffic.</p>
<p><b>Impact upon wildlife</b></p> <p>Concern over existing wildlife including nesting birds</p> <p>Potential imbalance to the natural fauna and flora in the area</p> <p>Impact on nearby SSSI site</p>	<p>The Leicestershire County Council Ecologist did have initial concerns and additional survey work is being carried out. Any permission should be ‘subject to’ the satisfactory results of this work.</p> <p>Natural England were consulted on this</p>

<p>Impact of the development on existing trees</p>	<p>application and had no concern regarding the SSSI.</p> <p>A landscaping plan can be required by condition to protect trees of importance</p>
<p><b>Housing numbers</b> The recent Government announcement of plans for a ' Garden Village ' of up to 4000 homes on the outskirts of Grantham means this development is not needed.</p> <p>The site has not been allocated for housing in the Melton Borough Draft Local Plan or the Parish Plan</p> <p>No local need for housing</p> <p>No local need for affordable housing</p>	<p>The site referred to is in a different housing market area and will make no contribution to that relevant to Melton Borough.</p> <p>The draft Melton Local Plan cannot be afforded full weight due to its stage in the process. We therefore need to rely on other planning policy, namely the NPPF which looks to assess each application separately based on its own merits. The parish plan is unfortunately not an approved planning policy and there is no statutory duty to observe this to determine this application.</p> <p>There is a housing shortage nationally and the Borough of Melton is no different. The Borough has failed to provide housing and is not in a position to demonstrate a 5 year land supply. Between 2011-2016 512 new homes were built, based upon the requirements of the Strategic Housing Market Assessments 1225 were needed (245 per year) – a deficit of 713.. The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016.The area has undelivered housing in recent years and a significant shortfall has arisen. The LPA have conducted extensive research and shown that affordable housing is needed in all developments this application should help to provide this.</p>
<p><b>Historical site</b> The site is a significant historical Saxon field, being one of the last unspoilt ridge and furrow fields in the count</p>	<p>Archaeological trenching has now been undertaken and it was negative other than a very few medieval features in the westernmost trench. The geophysical anomalies were modern services or geological in origin.</p>
<p><b>Impact on village amenities</b> Foresee issues with existing drainage and sewage system.</p> <p>Facilities in the village may not be able to support additional residents.</p> <p>School nearing capacity</p> <p>Lack of local employment</p> <p>Poor local bus service</p>	<p>The planning application for consideration will contribute towards the school to enable further school places for the new residents. The site falls within the catchment area of Waltham on the Wolds C of E Primary School. The LEA advise that the School has a net capacity of 100 and 107 pupils are projected on roll should this development proceed; a deficit of 7 pupil places after taking into account the 11 pupils generated by this development. However they advise that this can be overcome by adaption of the village school to generate the required capacity.</p> <p>There is a bus service that serves the village and it is hoped that with more residents will hopefully generate in more income and subsequently a better bus service.</p>

Parish Council will not be able to support the additional amenities planned, including maintenance of green spaces	The proposal does not generate facilities that will necessarily fall to the PC to maintain. The new houses would contribute to Parish Council precepts in the same manner as existing.
Foresee additional crime and antisocial behaviour rates. Fewer local police in the area to cope.	There is no evidence to demonstrate this consequence.
<b>Flooding</b> Village is already prone to flooding	Conditions will be imposed to minimise the impact of flooding and the area in question is not within a recognised flood zone by the Lead Flood Authority or Environment Agency.

**Other Material Considerations, not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Neighbourhood Plan</b></p> <p>Concern that development should not go ahead until the Neighbourhood Plan is complete.</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 Waltham Neighbourhood Plan is still in development and has not made any proposals or consulted upon them.</p> <p><b>It is considered that the NP is not in the position to which the National Guidance advises ‘preaturity’ 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.</b></p>
<p><b>Application of Planning Policy</b></p> <p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets</p>	<p>Waltham is considered to perform well in sustainability terms owing to its community facilities and transport links. Recent decisions made by the Council and on appeal by the Secretary of State have described it as a sustainable location for housing for these reasons and there have been no material changes to this</p>

<p>the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs.</p>	<p>position in the interim. It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the location.</p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘greenfield’ without a presumption for development. This is considered to weigh against the proposal. However, the land is not identified by any study or policy as important to the setting of Waltham nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it ‘special’ status. Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</p> <p><b>5 year land supply issues:</b></p> <p>The application is required to be considered against the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council’s most recent analysis shows that there is the provision if a 5 year land supply and as such the relevant housing policies are applicable.</p> <p>However, the 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”.</p> <p>Furthermore, a recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as</p>
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<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and is currently in a period of consultation from 8th November – 19th December.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p><b>The Pre Submission version of the Local Plan identifies Waltham as a ‘service centre’ in respect of which, under Policy SS3, development of up to 10 dwellings would be acceptable, subject to satisfying a range of criteria specified.</b></p>	<p>access, landscape and other factors...”</p> <p>Whilst the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also reduced by the fact that the consultation received have not yet been considered and addressed. We therefore need to consider the application in accordance with paragraph 215 of the NPPF which states due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p>
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### Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is deficient in terms of housing supply more generally and this would be partly addressed by the application, Affordable housing provision remains one of the Council’s key priorities. This application presents the policy position of 37% of affordable units which is 17 out of the 45.

Waltham is considered to be a sustainable location for housing having access to various facilities, primary education, local shops, and a regular bus services and limited distances to employment opportunities and this has been established in previous decisions.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the development of the site from its green field state and impact on the character of the village and highway safety.

The Local Highway Authority do not consider that the proposal would lead to severe harm to highway safety. In terms of character of the area, the submitted application is in outline stage only and the applicant has undertaken a detailed appraisal of the character of the settlement including a landscape assessment. The site is not covered by any specific designation however the proximity to the Conservation Area is noted.

Full details of appearance, layout and scale will be a matter for subsequent reserved matters applications where matters of design and impact can be fully assessed.



Contributions to provide additional capacity at the nearest Civic Amenity site and library are of a tariffed style request that will be 'pooled' under CIL Regulation 123 (3) whereby no more than five contributions can be pooled for any single infrastructure project. As stated above the request for improvements to the civic amenity site and library has been allocated to a specific projects that will increase the capacity at the site. The education contribution would 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. They are therefore all considered appropriate for inclusion in a Section 106 agreement.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from this proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issue is considered to be development of a greenfield site.**

**The issue of development a greenfield site is considered to be of limited harm, bearing in mind its location and the absence of any identification that it is of particular landscape value.**

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 can be granted.

**Recommendation: PERMIT, subject to:-**

- (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 towards a crossing near the Waltham school
  - (iv) Contribution for education at £84,693.07
  - (v) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

**(NB with regard to (iii) above, the contribution is dependant upon the results of the feasibility work being carried out by the Local Education Authority (see page 1).. Any decision should be subject to the result of this work and the agreement of the applicant to the contribution that arises as a result.**

**(b) The following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "external appearance of the building(s) and landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.

6. 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 local planning authority.
7. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.
8. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
9. No development approved by this planning permission, shall take place until such time a report detailing the findings of the infiltration testing carried out in accordance with BRE 365 soakaway design shall be submitted to, and approved in writing by, the Local Planning Authority.
10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use
11. The development shall be carried out in accordance with the measures set out in the Preliminary Ecological Assessment, Preliminary Bat Roost Assessment, Great Crested Newt Survey, Reptile Survey, Tree Survey and Arboricultural Report submitted as part of the application.
12. No demolition/development shall place/commence until a programme of archaeological mitigation work (archaeological excavation) has been detailed within a Written Scheme of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI shall include a statement of significance and research objectives, and:
  - The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;
  - A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);
  - The programme for public outreach and dissemination;
  - The programme for post-investigation assessment and subsequent analysis;
  - Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
  - Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.

13. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.
14. Details of the routing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.
15. The site shall be served by a single point of vehicular access as shown generally from Bescaby Lane on Rogers Leesk Drawing No. P 15-506 Rev A (and including the provision of an uncontrolled pedestrian crossing to the doctors surgery) the full details of which shall first have been submitted to and approved by the LPA in consultation with the CHA before development commences. Notwithstanding the proposed design in the drawing ref: P 15-506 Rev A, all design matters shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. The approved

junction shall then be provided fully in accordance with the approved plans before any dwelling hereby permitted is first occupied.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

16. Notwithstanding the details submitted, all details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

NOTE: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

17. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
18. Prior to any dwelling hereby permitted is first occupied, any existing vehicular access that currently serve the site that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
5. To provide a reasonable period for the replacement of any planting.
6. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
7. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase..
8. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.
9. To ensure that the site layout allows for the utilisation of infiltration drainage, and that the final surface water drainage solution can be design accurately.
10. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
11. To ensure that the habitats of protected species are not harmed by the development.
12. To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with local and national planning policy.

13. To make the archaeological evidence and any archive generated publically accessible, in accordance with local and national planning policy.
14. In the interests of highway safety
15. To ensure a satisfactory form of development and in the interests of highway safety.
16. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
17. To ensure a satisfactory form of development and in the interests of highway safety.
18. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

Officer to contact: **Mr Glen Baker-Adams**

**Date: 13<sup>th</sup> February 2017**