

## MEETING OF THE PLANNING COMMITTEE

21<sup>st</sup> April 2016

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### APPLICATION 15/00910/OUT- DEVELOPMENT FOR UP TO 520 DWELLINGS AND ASSOCIATED CONVENIENCE SHOP, PUBLIC OPEN SPACE AND LANDSCAPING, WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS – FIELD OS 002 LEICESTER ROAD, MELTON MOWBRAY.

### EXECUTIVE SUMMARY

#### 1. PURPOSE OF THE REPORT

- 1.1 To provide a summary of the key issues relating to the proposed development of land at Leicester Road, Melton Mowbray.

Members to note that this is a summary of the report which only highlights the key issues which are considered to be most significant in the determination of this application.

#### 2. RECOMMENDATION

- 2.1 **That Members support the recommendation to grant planning permission subject to the proposed Section 106 Agreement and conditions.**

#### 3. INTRODUCTION AND BACKGROUND

- 3.1 Planning application 15/00910/OUT was submitted in November 2015 in an attempt to overcome this Authority's objections to a previous, identical application (ref: 15/00082/OUT). That application is subject to an appeal against non-determination which is scheduled to be considered at a Public Inquiry on 22<sup>nd</sup>- 24<sup>th</sup> June 2016.

The only grounds of refusal of that application relate to highways and transportation.

This is an outline application to establish the principle of residential development of up to 520 dwellings, with associated infrastructure, including a convenience shop, on land between Leicester Road and Kirby Lane. The site has an area of 23.2ha, bounded to the east by existing residential development and to the west by, in part, the Leicester Road Industrial Estate.

The only detailed matter which is submitted for consideration at this stage is the vehicular access. Two points of access have been proposed for the development, one on the A607 Leicester Road and one off Kirby Lane.

- 3.2 The Authority is having to determine a major application at a time when the relevant parts of the Local Plan are out of date and there is a demonstrable shortfall in the 5 year housing land supply; the emerging new plan is at an early stage and the details of infrastructure remain to be determined through the new Local Plan process.

3.3 In addition, it is necessary to balance the risks of supporting this application now against the possible outcomes of a Public Inquiry

#### 4. **THE MAIN ISSUES**

4.1 The main issues are considered to be :

- Compliance or otherwise with the Development Plan
- Transportation and road safety
- Impact upon the character of the area and open countryside
- Impact upon residential amenity

#### 4.2 **Housing supply: Compliance or otherwise with the Development Plan**

The current Melton Local Plan is of minimal relevance in relation to housing development of this scale. Although the site is outside the defined town envelope, saved policy OS2 can be given no weight due to its incompatibility with the NPPF aspiration to 'boost housing growth' and the lack of a 5 year supply of deliverable housing. There should be a presumption in favour of sustainable development which would support this proposal.

This development would provide new housing in a sustainable location, where paragraph 14 of the NPPF applies and where any adverse impact would not significantly and demonstrably outweigh the benefits. It would make a significant contribution to housing supply and the wider economic development of the town, including provision of 78 affordable homes, for which there persists a serious under supply.

#### 4.3 **Transportation and road safety**

Due to the inadequate information which had been provided the Highway Authority advised that the original application should be refused for the following reasons:

- The Applicant has failed to demonstrate the impact of the proposed development on the highway network.
- Adequate measures have not been proposed to ensure the transport sustainability of the site.
- The Applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for road users.

The applicants have produced information to overcome these three objections:

- Their highways consultants have worked with the Highway Authority and have reached agreement on the impact of the development and necessary mitigation . This includes £4.5 m towards strategic road improvements.
- They have agreed to provide sustainable transport measures and enhancements, including a contribution of £500,000.
- They have provided evidence to demonstrate that the visibility splays at the proposed site accesses on the A607 Leicester Road and Kirby Lane are appropriate.

In summary, The contributions are considered to be a proportionate 'fair share' of the strategic highways works required to provide a solution to the town's congestion issues, based on our current evidence and level of understanding, and indeed would hasten the

ability for its implementation. It is considered that an appeal on highways grounds could no longer be successfully defended by this Authority.

#### **4.4 Impact upon the character of the area and open countryside**

The applicants submitted a Landscape and Visual Impact Appraisal which considers the impact of this development upon the both the general landscape in the area and the setting of this part of Melton Mowbray.

That appraisal was assessed on behalf of the planning authority by Influence Environmental, who produced the Settlement Fringe Landscape Sensitivity Analysis which has been prepared in support of the emerging new Local Plan.

The development will have an impact upon the landscape and the setting of the town, particularly on the higher ground to the west of Redbrook Crescent. The most significant impacts can be mitigated at the reserved matters stage. The harm in respect of the open countryside is required to be balanced against the benefits of the scheme.

#### **4.5 Impact upon residential amenity**

There would be some impact upon neighbours during construction of the development. The provision of this scale of housing would also change the outlook and environment of individuals. There is not likely to be any significant adverse impact upon existing neighbours.

The information submitted with the application notes that careful treatment is necessary to mitigate the impact of road noise ,the proximity of the adjacent industrial estate and the detailed design and layout of the shop.

### **5. CONCLUSION**

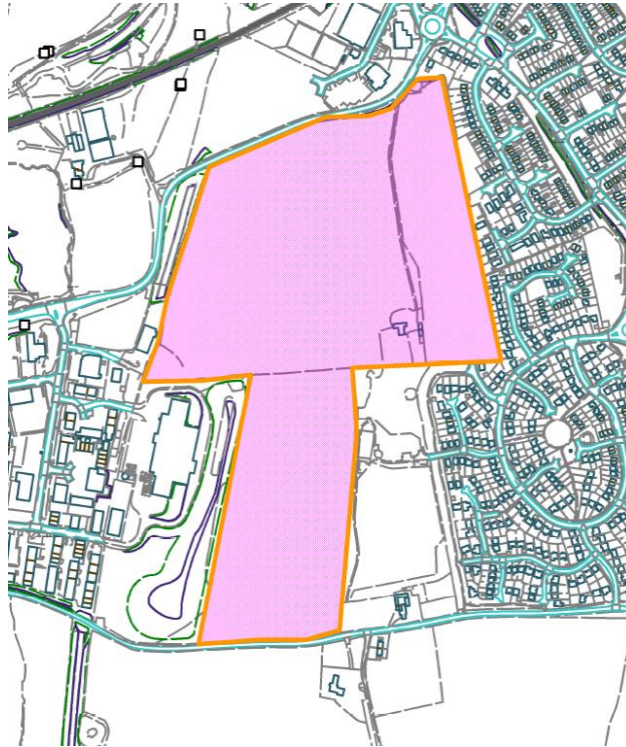
The site could make a valuable contribution to the delivery of housing with associated developer contributions, including highways works.

Date: 13<sup>th</sup> April 2016

Author: Mr P Reid Regulatory Services Manager

Supporting documents: Planning application file 15/00910/OUT

**Reference:** 15/00910/OUT  
**Date submitted:** 16.11.15  
**Applicant:** Gladman Developments Ltd  
**Location:** Field OS 002, Leicester Road, Melton Mowbray  
**Proposal:** Development of up to 520 dwellings and associated convenience shop, public open space and landscaping .



**Proposal :-**

This application seeks outline planning permission for up to 520 dwellings and associated infrastructure on 23.20 hectares of land situated between Leicester Road and Kirby Lane, Melton Mowbray. The only detail submitted for consideration at this stage is access. There would be vehicular access to the site from both the north (Leicester Road) and the south (Kirby Lane). The site access on the A607 Leicester Road is proposed to be a ghost island, right turn priority junction, which will be back to back with the recent application for development on Bowling Green Close.

The site lies outside the designated town envelope within open countryside and is currently agricultural fields. To the east of the site is existing residential off Redbrook Crescent and Heather Crescent, which currently defines the western boundary of the town. To the west of the site is the Leicester Road industrial estate.

The application has been supported by a Planning Statement, Design and Access Statement, Statement of Community Involvement, Flood Risk Assessment, Utilities Assessment, Heritage Statement, Land Contamination Assessment, Landscape and Visual Impact Appraisal, Noise Impact Assessment, Air Quality Assessment, Transport Assessment, Travel Plan, Tree Survey, Biodiversity Survey and Report, Ecological Appraisal and Archaeological Assessment. All of these documents are available to view at the Council.

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

- **Compliance or otherwise with the Development Plan**
- **Transportation and Road Safety**

- **Impact upon the Character of the Area and Open Countryside**
- **Impact upon residential amenities**

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

**History:-**

15/00082/OUT - Development of up to 520 dwellings and associated convenience shop, public open space and landscaping . Subject to an appeal against non-determination . Due to be considered at a Public Inquiry 22<sup>nd</sup>-24<sup>th</sup> June 2016.

**Planning Policies:-**

**Melton Local Plan (saved policies):**

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

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

**Policy BE10** : states that development will not be permitted if it fails to preserve the archaeological value and interest of nationally important archaeological remains or their settings, whether scheduled or not.

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

**Policy EM 3** : Existing Commitments – Renew permission for Leicester Road Industrial Estate

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

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

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

**Policy C13**: states that planning permission will 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 was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

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

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

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

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

**On Specific issues it advises:**

#### **Promoting sustainable transport**

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

#### **Delivering a Wide choice of High Quality Homes**

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

#### **Require Good Design**

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

#### **Conserving and enhancing the natural environment**

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

The 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><b>Highway Authority</b></p> <p>The Local Highway Authority advice is that, in its view the residual cumulative impacts of development are severe in accordance with Paragraph 32 of the NPPF but will be mitigated with the provision of a relief road and subject to the Conditions and Contributions outlined in this report the development is acceptable to the Local Highway Authority.</p> <p><b>Background</b></p> <p>The Highway Authority (HA) understands that this Application is a duplicate of the previous Application (MBC ref: 15/00082/OUT) for 520 dwellings and a convenience store.</p> <p>The HA has now had the opportunity to review the Transport Assessment (TA) and the Framework Travel Plan (FTP) which were submitted in October 2015. A Supplementary TA (STA) was submitted in March 2016 which was based on outputs from LLITM</p> <p>The TA recognises relevant policies both nationally and locally (at County and Borough levels), however the CHA notes that reference is made to the 1999 Melton Local Plan. The HA understands that consultation on the Emerging Option Draft of the Melton Local Plan ran from 11<sup>th</sup> January 2016 until 4<sup>th</sup> April 2016 and the HA initial highway observations (17 December 2015) advised the Applicant to consider transport related policies which were likely to be applicable at the time of determination.</p> <p><b>Melton Mowbray Cumulative Development Impact Study</b></p> <p>The County Highway Authority and the Local Planning Authority completed the Melton Mowbray Cumulative Development Impact Study in October 2014 which used LLITM to understand the cumulative impact of various development options to inform the Melton Local Plan to 2031. The work considered both the baseline (no development) and cumulative impact of all potential developments totalling 2,550 dwellings including the site related to this application.</p>	<p><b>Supports the Highway Authority’s advice and accepts that the applicant has now provided sufficient information and mitigation to make the scheme acceptable.</b></p> <p>Planning application 15/00910/OUT was submitted in November 2015 in an attempt to overcome this authority’s objections to a previous, identical application (ref 15/00082/OUT). That application is subject to an appeal against non-determination which is scheduled to be considered at a Public Inquiry on 22<sup>nd</sup>- 24<sup>th</sup> June 2016.</p> <p>The only grounds of objection to that application relate to highways and transportation.</p> <p>The only detailed matter which is submitted for consideration at this stage is the vehicular access. Two points of access have been proposed for the development, one on the A607 Leicester Road and one off Kirby Lane.</p> <p>Both authorities have worked to understand the cumulative impact of development over the life of the new local plan to ensure that the scale and type of mitigation can be agreed. In this instance the applicant has worked with the Highway Authority to reach agreement on the likely impact from this development and has agreed mitigation.</p>

The baseline year for the study was 2011 and hence considered all developments completed up to 2011. A validation exercise was also undertaken which concluded that the LLITM was fit for purpose for outline assessment of the cumulative impact of the proposed developments. As LLITM is a strategic model more detail is needed to consider the local impact of specific developments which is addressed through the Transport Assessments submitted with individual planning applications.

It should be noted that when a link exceeds 70% volume/capacity in LLITM it suggests the road link or junction to be under strain and that mitigation would be required if an increase in traffic were to occur to avoid significant congestion. At 85% volume/capacity in LLITM the performance of the link or junction is likely to be significantly impeded as the operational capacity has been exceeded. This will be evidenced by queuing and delays.

The 2011 baseline assessment identified that junctions along the A607 from Leicester Road to Thorpe End are congested for all or part of the peak periods. Amongst others, the Scalford Road and Norman Way (eastbound) approaches to the A607 Norman Way/Scalford Road junction were shown to be operating at over capacity (volume/capacity > 100%) in the AM peak. In addition, the A606 Nottingham Road approach to Norman Way was shown to be operating at over 85% volume/capacity and the A606 Wilton Road approach was shown to be operating at over 70% volume/capacity. In the PM peak, these were shown to be nearing capacity.

The report also highlighted that adding development traffic in 2031 results in a decline in the volume/capacity on A607 Leicester Road between Leicester Street and Dalby Road as a consequence of traffic re-routing in the Kirby Lane area.

The Study concluded that *“the analysis suggests that any development (whether those proposed or adopted as part of a growth strategy) would have a notable impact in further deteriorating traffic conditions in the town (whether measured by congestion, delay or travel times)”*. The Study recommends that, irrespective of size, specific proposals will require *“a detailed transport assessment undertaken to ensure that suitable mitigation is proposed”*.

**Melton Mowbray Transport and New Development Position Statement**

In February 2015 the CHA and LPA released a

Noted that a balanced approach is necessary to



<p>joint statement which outlined their position in relation to highways on new developments in Melton Mowbray. Whilst both authorities recognise the need for growth in the town this should not be at the expense of adverse economic, environmental and social impacts.</p> <p>The LPA and HA are currently working together on a suite of transport studies to support the development of the Melton Local Plan and determination of planning applications in the area.</p> <p>The Melton Mowbray Transport Study was commissioned by the HA to assist Melton Borough Council with their Local Plan. This assessed through traffic movements (Stage 1) and traffic which starts and ends its journey in the town (Stage 2) in 2011 and compared these to 2031 without any further significant development in the town.</p> <p>The outputs from Stage 1 show approximately 14,600 vehicles per day<sup>1</sup> travelling through Melton Mowbray in 2011 which is predicted to increase to 16,700 per day in 2031. This means just under 20% of all traffic in Melton Mowbray is through traffic with most of this entering / exiting between points to the south and west of the town i.e. from the B676 round to the A606 towards Nottingham.</p> <p>Stage 2 results indicate there are 67,000 vehicles per day (2011) rising to 80,000 in 2031 which start and end their journey in Melton Mowbray. This represents just over 80% of all traffic within Melton Mowbray.</p> <p>The study work shows that new highway infrastructure in the form of a relief road will be needed to accommodate the additional development required in Melton Mowbray and it is clear that a co-ordinated approach to transport mitigation will be required.</p> <p>The study work has shown that overall the current highway network in Melton Mowbray has reached capacity and therefore new highway infrastructure in the form of an outer relief road is required to mitigate the severe impact of development in the town. At its meeting on 11<sup>th</sup> September 2015 the County Councils Cabinet resolved to accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer relief road (ORR) on the condition that such developments are contributing to the delivery of the ORR and the wider strategy.</p>	<p>ensure that strategic housing development should help to support the economy and that adverse impacts are minimised or mitigated. However, in accordance with the Council's 'position statement' it is recognised that it is necessary that some development is required in advance of the production of the complete solution to highways issues, for reasons of housing supply and economic development. The position statement recognises that this will result in an adverse impact on traffic conditions until the solutions are developed (in whole or in part) but that this will be tolerated provided a fair contribution is provided. It is considered that the current proposal and its mitigation accords with this approach.</p> <p>The authority actively supports the need for a relief road and that all relevant development should make a proportionate contribution to its provision. The proposed infrastructure contribution is considered to be an appropriate contribution.</p> <p>This Council (Council meeting 24<sup>th</sup> September 2015) has agreed the same position. It is understood that the acceptance of developments will inevitably mean that traffic conditions may worsen in the short term, until a solution (or coherent parts of a solution) have developed to a stage where they have connected and start to impact in terms of mitigation or relief.</p>
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**Site Access**

The Applicant has proposed two new priority junctions, one on Leicester Road and one on Kirby Lane to access the proposed development.

In line with the CHA observations for the recent application on Land West Of Bowling Green Leicester Road Melton Mowbray (MBC ref: 14/00995/OUT) whilst the provision of an access on to an A road is not ideal, there are no technical reasons why the access should be resisted, as the Transport Assessment (TA) suggests that the junction will not cause road safety problems or queuing on Leicester Road.

The Leicester Road access will include a ghost lane on Leicester Road with pedestrian refuges and footways and cycle ways in and around the vicinity of the site. The Kirby Lane access will provide footways on both sides of the new site access and on the north side of Kirby Lane.

The preliminary design for the access arrangements are shown in the Transport Assessment on AHA drawing numbers 1457/01 Rev A and 1457/02 Rev A.

Both site accesses have been tested for operational capacity within the TA and reviewed by the HA. The Leicester Road access has been demonstrated to operate with sufficient spare capacity. This will act as the main point of entry / exit for site residents. The Kirby Lane (secondary) access will operate with spare capacity and negligible queues in the 2026 with development scenarios.

As mentioned previously both site accesses will offer access to pedestrians and cyclists with connections to Gilpin Close. Pedestrian connections will also link in with Redbrook Close and Cowslip Drive.

Following comments from the HA the Applicant commissioned Stage 1- Road Safety Audits (RSA) based on AHA drawing numbers 1457/01 Rev A and 1457/02 Rev A.

The HA has reviewed the concerns which the Stage 1 - RSA has identified and agree with the Applicant that these can be addressed at the detailed design stage.

Overall the CHA is content with the operation of both accesses and the conclusions of the Stage 1 RSA's should the LPA be minded to grant planning permission.

**Trip Generation and Distribution**

Following further work undertaken by both the HA and LPA both authorities understand the

The applicant has provided sufficient detailed evidence to demonstrate that the visibility splays at the proposed site accesses on the A607 Leicester Road and Kirby Lane are safe and adequate.

The outputs of this work are noted.

potential impacts of development proposals in the context of the emerging Local Plan. On that basis, the CHA considered there to be sufficient evidence to assess the impacts of the proposed development using a LLITM-based manual assessment. As a result of this work the Applicant submitted their Supplementary TA in March 2016.

The development trips, as generated from the LLITM assignment are set out in Table 1 below:

Table 1: Proposed development trip generation (Cars / Light Vehicles)

Peak Hour	Arrivals	Departures	2-way total
AM	77	221	298
PM	213	127	340

In addition to the 520 dwellings the proposed development includes a convenience store. Based on TRICS surveys the proposed trip rate and subsequent number of trips based on the Gross Floor Area of the convenience store (186m<sup>2</sup>) are shown in Table 2 and 3 respectively.

Table 2: Convenience Store – proposed trip rates

Peak Hour	Arrivals	Departures	2-way total
AM	7.536	6.944	14.480
PM	10.246	9.904	20.150

Table 3: Convenience Store – proposed trip generation

Peak Hour	Arrivals	Departures	2-way total
AM	14	13	27
PM	19	18	37

For the purposes of testing the impact of the convenience store on the highway network the Applicant has assumed that 50% of the trips are ‘internal’ trips by residents of the proposed development and 50% is pass by traffic i.e. traffic that is already on the highway network and not a ‘new’ trip associated with this development.

**Internal Layout**

As this is an outline application with all matters reserved except access the internal road network will be dealt with as part of a reserved matters application.

These details will be addressed at the reserved matters stage.

Applicant is directed to detailed guidance.

**Impact on Highway Network**

The County Highway authority is satisfied that the site specific aspects of this development in relation to access, safety and sustainability can be suitably mitigated as set out later in this report. The impact on the wider network within the town has been assessed as part of the study work to support the development of the core strategy. This shows that the impact of growth in the town is severe and that wider mitigation in the form of new highway infrastructure is required. Until such time as this infrastructure is provided, the impact of this development is considered to be severe. However, the applicant has agreed to pay a proportionate contribution to provision of the necessary infrastructure to support the delivery of the wider infrastructure and therefore the Local Highway Authority considers it appropriate to accept the short to medium term deterioration in traffic conditions in advance of the delivery of this wider infrastructure. This contribution is set out below in the section title contributions/obligations. Subject to the specific mitigation and contribution to the wider infrastructure the mitigation is considered acceptable in the context of NPPF paragraph 32.

**Road Safety Considerations**

The Applicant has collated and analysed Personal Injury Collision (PIC) data from 1<sup>st</sup> January 2010 to 22 August 2015 at the junctions within the study area.

In total there were 59 accidents at the 11 junctions which resulted in 56 slight injuries, 1 serious injury and 2 fatalities.

One of the fatalities occurred at the Kirby Road / Leicester Road junction (J3) where a motorcyclist crossed the centreline and collided with an oncoming vehicle. The other fatal collision occurred at J11: Thorpe Road / Saxby Road / Thorpe End / Norman Way which involved a vehicle failing to stop at a red light which resulted in the death of a pedestrian.

Although any fatality is regrettable, due to the circumstances involved, the fact that other PICs did not show an ongoing trend and the number of PICs seems to be falling, the CHA does not consider there to be any reasons for the LPA to refuse this planning application on highway safety grounds.

**Transport Sustainability**

**Walking / Cycling**

The CHA notes that a number of walking and cycling links have been proposed.

It is essential that this development makes a proportionate contribution to the provision of infrastructure. This will ensure that this scheme is acceptable and that other future strategic development is not required to make a disproportionate contribution to essential infrastructure which, in turn, may affect its deliverability.

These measures and contributions are welcomed and should make a significant contribution to the

<p>The Applicant has proposed three pedestrian connections to Redbrook Crescent, Gilpin Close and Cowslip Drive to allow residents to access existing facilities on Valley Road. There are a number of local facilities within an 800m walk of the site e.g. Post Office / local shops whilst further afield there are two primary schools within 1.5km.</p> <p>Melton Mowbray town centre is within 2km of the proposed development so whilst it is possible to walk to the other facilities on offer a more realistic alternative for residents would be to use the existing cycle infrastructure (Figure 6 of the submitted TA).</p> <p>As part of this application the Applicant is proposing a number of cycle infrastructure improvements including:</p> <ul style="list-style-type: none"> <li>• shared footway / cycle way on one side of new internal road</li> <li>• upgrade existing footway on south side of Leicester Road</li> <li>• potential new cycle connection between development site and Gilpin Close</li> </ul> <p>These improvements to the walking and cycling networks will be subject to appropriately worded conditions.</p> <p>The CHA would advise the LPA that the observations on walking measures are read in conjunction with the comments made by the Public Rights of Way officer dated 16<sup>th</sup> December 2015.</p> <p><u>Public Transport</u></p> <p>Following consultation with the bus operator the Applicant proposed the diversion of the No 14 service, to do a loop in to the proposed development site.</p> <p>However the HA had concerns that the operator may only provide the additional loop with the subsidy in place and if the subsidy were to run out it would not be commercially viable. Presently, the HA is not satisfied that this loop would be sustainable in the long term.</p> <p>The HA identified a possible route which would follow Swallowdale Road, the southern part of Edendale Road, Heather Crescent, Camomile Road, Kirby Lane and through the development to Leicester Road, a small section of Edendale Road at the northern end and then join Tamar Road to continue on its normal route. The suggested route would be around 0.5KM longer than the current looped service.</p>	<p>sustainability of the development.</p>
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Residents living in the north part of Edendale Road would still be within 400m of the service as there is hail and ride service on Tamar Road and there are pedestrian links to get from Edendale Road to there. There is also the Arriva 5a service that goes to Melton and Leicester, which stops at Valley Road. This stop is within 400m for most of the Edendale Road north residents.

Currently the Service 14 has a 30 min frequency from 08:00 until 18:00 Mon-Sat but the HA would ask the Applicant to investigate the possibility of introducing a Sunday service.

Finally noting the length of the current 14 loop it is suggested that the impact of the suggested loops from either Kirby Lane or Leicester Road could be lessened by operating a through bus route 14 as per previous correspondence between the HA and the Applicant.

Once established the HA would advise the Applicant to do some further investigations to look into splitting the 14 route to make journey times on the one way loop more attractive for bus passengers from the new development. Although this would need an extra bus it could make better use of the resource longer term.

The HA therefore advises that a contribution for sustainable bus / transport measures should be subject to an appropriately worded condition if the LPA is minded to approve the application.

#### **Framework Travel Plan**

The Applicant has submitted a Framework Travel Plan (FTP) which the HA has reviewed and provided comments on. In summary the HA welcomed the FTPs proposals to promote the use of walking, cycling, public transport, car sharing and electric vehicles and the requirement to bind all subsidiary/successor developers to contribute to this plan.

The Applicant has not clarified some aspects of the FTP so the HA cannot accept the FTP in its current format.

#### **Summary and Conclusions**

The County Highway Authority considers that the residual cumulative impact of this development is severe in accordance with paragraph 32 of the National Planning Policy Framework (NPPF). However, in light of the Cabinet resolution of 11<sup>th</sup> September 2015, the County Highway Authority will accept a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of an outer

**The applicant has satisfactorily addressed the highways and transportation issues and it is considered that the application should be supported.**

<p>relief road (ORR) on the condition that such developments are contributing to the delivery of the ORR and the wider Strategy. The County Highway Authority considers that the applicant has offered this and on that basis the does not advise refusal of this application.</p> <p>Recommends conditions and contributions.</p>	
<p><b>LCC – Access Officer - No Objection subject to conditions to maintain the route of Footpath E9.</b></p> <p>Part of Footpath E9 a public right of way which links Kirby Lane to Redbrook Crescent, runs through the application site.</p>	<p><b>Noted – appropriate conditions proposed in the recommendation.</b></p>
<p><b>LCC – Lead Local Flood Authority– Acceptable subject to condition</b></p> <p>The development of the site is considered to be acceptable subject to a condition relating to surface water drainage.</p>	<p><b>Noted – appropriate condition proposed in the recommendation</b></p>
<p><b>LCC Archaeology – no objection subject to conditions.</b></p> <p>In response to comments from LCC Archaeology the applicant has undertaken a two stage programme of archaeological evaluation, commencing with a geophysical survey of the development area, followed by a limited programme of targeted trial trenching.</p> <p>The geophysical survey revealed a complex pattern of anomalies clearly indicative of a rich archaeological landscape. Subsequent trial trenching has identified three main areas of interest.</p> <p>In the northern part of the development area these are likely to represent a multi-phase settlement of probable later prehistoric date with Iron Age remains covering an area of about 10 hectares. Secondly, possible Bronze Age pottery from a feature located at the extreme north-east of the development area. Thirdly, a rectilinear enclosure in the south of the site, the form of which suggest the presence of a Romano-British farmstead.</p> <p>Taking into account the submitted masterplan, the development proposals will impact extensively across the site, in all probability leading to truncation and destruction of the archaeological remains. It will therefore be necessary for the applicant to make provision for a programme of phased archaeological investigation, commencing with a stage of trial trenching to refine and target</p>	<p><b>Noted – appropriate conditions are proposed in the recommendation</b></p> <p>The applicant has commissioned University of Leicester Archaeological Services to carry out archaeological investigative work on this site. They have been working closely with LCC Archaeology to ensure that the value of the archaeology on the site is fully understood and adequately recorded.</p>

<p>the archaeological mitigation (to be undertaken in advance of the submission of any Reserved Matters application for the site) and a follow-up programme of targeted mitigation (excavation and/or design solution) to take place in advance of the impact of development. Of particular concern in the latter context is the possible phased development of the application area; this should not conflict with the need to ensure a coherent and structured mitigation scheme, appropriate to the significance and character of the archaeological remains.</p> <p><b>Recommend that any planning permission be granted subject to the conditions to safeguard any important archaeological remains potentially present.</b></p>	
<p><b>LCC Ecology – no objection</b></p> <p>The ecological survey submitted with the application (FPCR, January 2015) indicates that the majority of the application site is arable and identifies the hedgerows and a small area of semi-improved grassland as being the most ecologically interesting areas. A number of hedgerows on site were recorded as being diverse and worthy of retention.</p> <p>Our recommendations on this site can therefore be summarised as:</p> <ul style="list-style-type: none"> <li>- The final layout to be in accordance with the illustrative masterplan, especially in the areas surrounding hedgerows where a 5m buffer should be in place.</li> <li>- Works to be in accordance with the recommendations in the ecology report.</li> </ul> <p>Ecology surveys are only considered valid for a period of two years. This survey will therefore need updating. Given the current date it is likely that an updated survey for protected species will need to be submitted in support of the reserved matters application.</p> <ul style="list-style-type: none"> <li>- The planting scheme should comprise locally native species on the edges of the development . A management plan should be submitted to allow for those areas (and internal hedgerows) to be managed for biodiversity.</li> </ul>	<p>Noted.</p> <p><b>A Biodiversity Survey and Report and an Ecological Appraisal have been submitted and there has been no objection to the proposal from our specialist ecological advisors.</b></p> <p>The NPPF paragraph 109 states that the planning system should minimise the impact on biodiversity and providing net gains in biodiversity where possible. In paragraph 118 of the NPPF it states that opportunities to incorporate biodiversity in and around developments should be encouraged. This is considered to be a material consideration when determining the application.</p> <p><b>The points which have been highlighted can be addressed by either conditions at this stage or when the reserved matters are submitted.</b></p>
<p><b>Historic England – No comment</b></p> <p>Do not wish to comment in detail, but offer general observations.</p>	<p><b>Noted and general observations forwarded to applicant.</b> The site has no significant impact upon heritage assets.</p>
<p><b>Severn Trent Water Authority – No objections subject to conditions requiring full details of drainage plans for the disposal of foul sewage and surface water.</b></p>	<p>Noted – conditions can be applied to this effect. It is noted that Severn Trent <b>do not object</b>, or raise concerns, about the capacity of the drainage system.</p>
<p><b>Housing Mix</b></p>	



Paragraph 50 of the National Planning Policy Framework states that we should plan for a supply of housing that meets the needs of our population, both now and moving into the future.

**Affordable Housing**

This application offers a 15% affordable housing contribution, which would provide up to 78 affordable units.

This is an outline application which allows the details of the housing mix to be considered later, but a condition is suggested to ensure that a mixed balance of dwellings is provided.

Saved policy H7 of the Melton Local Plan requires affordable provision 'on the basis of need' and this is currently 37%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.

More recent evidence which has been produced to support the emerging new Local Plan proposes that a contribution of 37% affordable housing is required.

The applicants have provided evidence that if 37% affordable housing was provided on this site then other contributions would have to be significantly reduced. In particular the strategic road contribution would be £2.49m.

The reduced affordable housing contribution allows this to be increased to £4.5m. The key infrastructure requirement of the development of both this site and a wider area to the south of Melton Mowbray is the provision of highways improvements. Consequently, in this instance the reduced affordable housing contribution is considered to be acceptable. This would ensure that meaningful highways improvements could be secured .

While a reduction to 15% affordable is regrettable, Section 106BA specifically allows the level of affordable housing requirements to be modified on the grounds of viability .

**It is considered that in this instance the affordable housing is considered to be acceptable although it does not meet the need identified in the most recent evidence (37%).**

This housing would be secured by the application of the model Planning Inspectorate (PINs) condition.

The NPPF requires LPAs to provide for a mix of housing based on current and future demographic trends, market trends and the need of the community. Overall it is considered that the scheme should be able to provide for a good mix of house types and reasonable level of smaller dwellings. When weighed against the affordable housing levels it is considered that the proposal is acceptable and should be considered as a benefit

	of the proposed development.																				
<p><b>Police</b></p> <p>A primary issue for Leicestershire Police is to ensure that the development makes adequate provision for the future Policing needs that it will generate. Leicestershire Police have adopted a policy to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place. They have taken account of the CIL tests and recent case law.</p> <p><b>Summary of contribution requested</b></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>£20,223</td> </tr> <tr> <td>Vehicles</td> <td>£12,355</td> </tr> <tr> <td>Additional radio call capacity</td> <td>£ 962</td> </tr> <tr> <td>PND database</td> <td>£624</td> </tr> <tr> <td>Additional call handling</td> <td>£2,210</td> </tr> <tr> <td>ANPR</td> <td>£4,111</td> </tr> <tr> <td>Mobile CCTV</td> <td>£750</td> </tr> <tr> <td>Additional premises</td> <td>£134,559</td> </tr> <tr> <td>Hub equipment</td> <td>£1,040</td> </tr> <tr> <td><b>Total</b></td> <td><b>£176,834</b></td> </tr> </table> <p>A full copy of the Polices request for developer contributions can be viewed at the Council Offices.;</p>	Start up equipment	£20,223	Vehicles	£12,355	Additional radio call capacity	£ 962	PND database	£624	Additional call handling	£2,210	ANPR	£4,111	Mobile CCTV	£750	Additional premises	£134,559	Hub equipment	£1,040	<b>Total</b>	<b>£176,834</b>	<p>It is noted that the addition of up to 520 dwellings would have some impact on policing within the Borough.</p> <p><b>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</b></p>
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<p><b>LCC Developer Contributions-</b></p> <p><b>Waste</b> - 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</p>	<p><b>It is considered that all of these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</b></p> <p>The applicant has agreed to all of the LCC</p>																				

<p>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 <b>£42,983</b> (to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.</p> <p><b>Libraries</b> – The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development is within 1.5km of Melton Library, Wilton Road being the nearest local library facility which would serve the development site. The library facilities contribution would be <b>£15,690</b> (rounded to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to purchase additional library materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to mitigate the impacts of the proposed development.</p> <p><b>Education- Primary Schools</b>  This site falls within the catchment area of Frisby C of E Primary School. The school has a net capacity of 109 pupils and 244 pupils are projected on the roll should this development proceed; a deficit of 125 pupil places. There are currently no pupil places at this school being funded by S106 agreements from any other development. There are two other primary schools within a two mile walking distance of the development. These are:  The Grove Primary School (surplus 83 places with no S106 funded places to discount) and Swallowdale Primary School (surplus 13 places with no S106 places to discount).  The overall deficit including all schools within a two mile walking distance of the development is 29 pupil places. The 125 deficit places created by this development can, therefore, partly be accommodated at nearby schools and a claim for an education contribution of 29 pupil places in the primary sector is justified.  <b>Contribution of £348,451 for Primary School Sector</b></p> <p><b>Secondary Schools and Post 16 sector – No contribution required</b></p>	<p>requests for developer contributions.</p> <p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is therefore considered that these requests are compliant with CIL Reg. 122 as the improvements would be relevant to this specific development.</p> <p><b>The applicant has agreed to this contribution</b></p>
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**Special Schools**

The County Council seeks developer contributions towards the cost of expanding Special School provision for developments of 250 dwellings or more. The threshold of 250 dwellings was chosen to reflect the low special pupil yield and the avoidance of claiming very small amounts on all developments.

The closest Area Special School to this development in the Birch Wood School in Melton Mowbray. The school currently has capacity for 120 pupils and 157 pupils are projected on the roll should this development proceed, a deficit of 37 places. There is no other Special School in the locality of the development.

Any contribution toward special education will be pooled, if appropriate, and used to provide additional capacity at the school nearest to the development.

**The total contribution (primary and secondary) to Special Schools is £182,584.**

The applicant has agreed to this contribution

**LCC Highways –**

1. A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. A contribution of £4.5 million towards Strategic Road improvements as considered appropriate by Melton Borough Council.

Justification: To accommodate the wider growth in Melton Mowbray, including the impact from this development.

3. A contribution of £500,000 towards Sustainable Transport / Bus improvements as considered appropriate by Melton Borough Council.

Justification: To encourage residents to use bus services as an alternative to the private car.

4. Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit.

Justification: To ensure effective implementation and monitoring of the Travel Plan submitted in

The applicant has agreed to make this contribution .

<p>support of the Planning Application.</p> <p>5. 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). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.</p> <p>Justification: To inform new employees from first occupation what sustainable travel choices are available in the surrounding area.</p> <p>6.6 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 (can be supplied through LCC at (average) £350.00 per pass (cost to be confirmed at implementation) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p>Justification: To encourage employees to use bus services as an alternative to the private car.</p> <p>7. A Framework Travel Plan monitoring fee of £11,337.50.</p> <p>Justification: To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.</p> <p><b>Ecology, Landscape:</b> no requirements</p>	<p>The applicant has agreed to make this contribution</p> <p>A condition is proposed in recommendation.</p> <p>The applicant has agreed to make this contribution .</p>
<p><b>Grounds Maintenance</b> – The applicant proposes that the maintenance of the public open spaces on the development would be provided by a private company. It would not be transferred to or maintained by Melton BC.</p>	<p><b>It is considered that the provision and maintenance of the public open space could be provided and maintained as proposed by the applicant. This is not an unusual arrangement. It would be ensured by conditions on this permission.</b></p>

**Representations:**

Site notices were posted, the application was advertised in the press and neighbouring properties notified. As a result **9 representations have been received. These are 6 objections and 3 neutral comments.**

The objections include comments from the **East Midlands Chamber of Trade.**  
The neutral comments include the views of **Melton Ramblers**

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
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<p><b>Highways and Road Safety</b></p> <p>The development would have a significant impact upon traffic in the area. It would exacerbate the use of current short cuts and ‘rat runs’ to the detriment of highway safety.</p> <p>There is no capacity in the local road network to accommodate any additional traffic. It would exacerbate existing highways problems. The speed survey data produced by the applicant is unrealistic.</p> <p>A new roundabout on Leicester Road would provide a safer access into the site.</p> <p>The development of this site reduces the options for providing a relief road south of the town to link the A607 and A606.</p> <p>Adverse impact upon highway safety on Kirby Lane.</p> <p>Highways improvements such as a bypass are required before new development.</p>	<p>There will probably be short term adverse impact with longer term improvements.</p> <p>There will probably be short term adverse impact with longer term improvements.</p> <p>The Highway Authority consider that the access proposed off Leicester Road would be safe.</p> <p>This development would make a contribution towards strategic road improvements and would not reduce any future options.</p> <p>This is addressed above.</p> <p>This development will contribute towards strategic road improvements. The road will be provided in stages as development progresses.</p> <p><b>The highways matters are considered in detail above.</b>  <b>The mitigation which is proposed includes a substantial contribution to highways improvements which in the longer term will contribute to resolution of the issues raised in objections.</b></p>
<p><b>Residential Amenity</b></p> <p>Neighbours would be overlooked and overshadowed by new houses, exacerbated by elevated position of application site.  Prefer to see lower height housing close to boundary.</p> <p>Hedges and landscaping would not mitigate impact .</p> <p>Loss of views.</p> <p>Noise and disturbance from building works and from occupiers of new houses.</p>	<p>This is an application for outline planning permission. The details of the layout and house design can be adequately controlled at reserved matters stage to ensure that the impact upon neighbours is minimised.</p> <p>Parts of the application site do rise above the level of existing neighbouring dwellings. These areas will require careful design and layout at the detailed stage.</p> <p>The use of landscaping, including open spaces, and the retention of some existing features would help to provide significant mitigation.</p> <p>Not a material planning consideration.</p> <p>Other measures exist to control noise disturbance from building works. The applicant’s Noise Impact Assessment (NIA) proposes that hours of operation for the groundworks and construction of the dwellings are restricted to minimise impact upon existing neighbours. This is supported.</p>

<p>New dwellings would be disturbed by existing industrial estate.</p>	<p>While there would be some impact there is no evidence that the occupiers of new houses would disturb existing residents to such an extent that any mitigation or restrictions are necessary.</p> <p>The applicant's NIA states that some mitigation may be necessary on the industrial unit closest to the site to ensure that the occupiers of new dwellings are not disturbed. It should also be noted that the application site is separated from the industrial estate by a substantial landscaped bund.</p> <p>The NIA notes that the proposed foodstore on the site would need to be laid out and designed to minimise impact upon neighbours.</p> <p>One of the main sources of noise on the site is traffic on the A607 Leicester Road. The detailed layout and orientation of dwellings will need to take this into account.</p> <p><b>It is not considered that the proposal would have a detrimental impact on the residential amenities of adjoining properties and is considered to comply with Policy BE1 of the Local Plan.</b></p>
<p><b>Ecology and Landscape</b></p> <p>Adverse impact upon ecology</p> <p>Loss of habitats due to removal of trees and hedges.</p>	<p>There is no evidence that the development would have an unacceptably adverse impact up ecology. This opinion is supported by the comments of LCC's Ecologist.</p>
<p><b>Public Right of Way</b></p> <p>Adverse impact of development upon public right of way .</p> <p>Melton Ramblers request that Footpath E9 is directed through a green corridor and not estate roads.</p>	<p>A condition is proposed to ensure that the route of Footpath E9 is suitably maintained through the application site.</p>
<p><b>Infrastructure</b></p> <p>Site is too far from local schools, which have no space for additional pupils.</p> <p>Site is subject to flooding.</p>	<p>The applicants have agreed to make a developer contribution to education as requested by LCC.</p> <p>A Flood Assessment has been carried out and independently reviewed by the Lead Flood Authority with no objections raised subject to conditions.</p>

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

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policy issues: the requirements of the NPPF</b></p> <p>Development is in the countryside outside the town envelope.</p>	<p><b>Adopted Melton Local Plan:</b></p> <p>Policy OS2 has been tested by a series of recent appeal decisions which have concluded that it is a restrictive housing supply policy because it</p>

	<p>prevents the development of housing outside town/village envelopes. Paragraph 49 of the NPPF states that :</p> <p><i>Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites</i></p> <p>The Borough currently has a housing land supply substantially less than 5 years. In the context of this proposal, this policy is regarded as restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, <b>Policy OS2 should be considered out of date when considering the supply of new housing.</b></p> <p>The development is for market housing with a requirement to provide 40% of affordable housing, in accordance with <b>Policy H7</b>. It is not being considered as an exception site under <b>Policy H8</b> which allows for small size developments containing affordable housing only.</p> <p><b>It is therefore considered that the proposal conflicts with the development plan. Permission should only be refused if there is demonstrable harm to other material considerations considered to be of such significance to outweigh this position.</b></p> <p><b>The NPPF is considered to be a material consideration of significant weight that needs to be considered alongside the Development Plan.</b></p> <p>The National Planning Policy Framework (NPPF) provides guidance at a national level. In relation to existing development plans. The NPPF states that due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The saved policies of the adopted Melton Local Plan should be applied in this context.</p> <p>The NPPF is founded upon a presumption in favour of sustainable development which in relation to decision making means approving proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework indicate</p>
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	<p>development should be restricted.</p> <p>As summarised above the NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% ‘headroom’. Melton’s most recent analysis concluded that this is not being met and the available supply is significantly below 5 years. There have been no recent challenges to this position. The NPPF further advises that housing policies should not be considered up to date if a 5 year supply cannot be demonstrated. This is in addition to its more general approach (at para. 14) that where a local plan is out of date permission should be granted unless the impacts would “<b>significantly and demonstrably</b>” outweigh the benefits, judged by the content of NPPF.</p> <p><b>Other policies</b> Part of the site is subject to <b>Policy EM3</b> which states that the Council will renew planning permission for the Leicester Road Industrial Estate. This estate has now been built and the small part of the application site covered by this policy is not part of and is disconnected from the industrial estate. It was never subject to a planning permission for a use associated with the industrial estate and ,therefore, there is no permission to renew. Consequently, no weight can be given to this policy.</p> <p><b>The emerging Local Plan</b> proposes that this site would form part of South Melton Mowbray Sustainable Neighbourhood (draft policy SS4). However, the plan is only in the very early stages of development and therefore it can be attributed very little weight at this time.</p> <p>As discussed above it is essential that the Council continues to maintain a deliverable supply of housing. This development would start to make a contribution to that delivery.</p>
<p><b>Impact upon landscape</b></p>	<p>The applicants have submitted a Landscape and Visual Impact Appraisal ( LVIA) which considers the impact of this development upon the both the general landscape in the area and the setting of this part of Melton Mowbray.</p> <p>That appraisal has been assessed on behalf of the planning authority by Influence Environmental who also produced the Settlement Fringe Landscape Sensitivity Analysis which has been produced in support of the emerging new Local Plan.</p> <p>The LVIA uses an accepted methodology which assesses the landscape features, describes the landscape character and considers the impact of the development upon those who will be viewing the landscape and this site. The site is described as an area with low sensitivity to change.</p>

	<p>It explains how the development can be integrated into the landscape and impact mitigated by sensitive layout and design. In particular, the provision of a substantial buffer to the boundary with Kirby Lane and the use of linked open spaces to break up the mass of the development.</p> <p>The Settlement Fringe Landscape Sensitivity Analysis which has been produced in support of the emerging new Local Plan (Influence - Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study) defines this site as falling within part of LCZ5: Melton Mowbray South. The principles and guidance in relation to new development in this zone include ensuring that the height and density of development takes into account the edges of the settlement and the rolling landform. There is an opportunity use open spaces to tie into the existing development. It suggests that soft landscape edges should be created to assimilate development into the landscape. This should be tied in with a maximum of two storey height dwellings on the edges of the site to reduce the mass of new development.</p> <p>Influence Environmental have no objection to the principle of the development and note that it is difficult to make detailed comments at this outline stage. They note that the Kirby Lane boundary requires sensitive treatment; that the relationship between the proposed development and the current open space to the east of the site need to be addressed. They comment that these should be resolved at the reserved matters stage with careful consideration of the landscape</p> <p><b>The layout, scale and extensive buffering and landscaping of this proposal should ensure that it could be developed in accordance with those principles and guidance.</b></p> <p><b>The development will have an impact upon the landscape and the setting of the town, particularly on the higher ground to the west of Redbrook Crescent. The most significant impacts can be mitigated at the reserved matters stage. The harm in respect of the open countryside is required to be balanced against the benefits of the scheme.</b></p>
<p><b>Employment Opportunities</b></p>	<p>The Authority has a Corporate Objective to create employment for local people. The applicants have been asked if they would agree to offer training hours in the construction industry and training programmes during the development of the site. The applicants have confirmed that they are happy to work with the Authority in this excellent initiative and are willing to accept this to be incorporated into any S106 legal agreement.</p>

## **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.

One of the key considerations in the determination of housing schemes in the Melton Mowbray is the cumulative impact of this development upon the highway network.

It is considered that the residual cumulative impact of this development is severe in accordance with paragraph 32 of the National Planning Policy Framework (NPPF). However, in light of the resolutions of this Council and the County Council's it is accepted that a proportionate and reasonable deterioration in traffic conditions in Melton Mowbray as a result of developments being permitted prior to full completion of a relief road. This is on the condition that such developments are contributing to the delivery of the new road and the wider transport strategy.

In this case the applicant has offered this and on that basis the scheme is considered to be acceptable.

It should be noted that the Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with reasonable transport links. It is critical that when the Local Plan is examined there is a body of evidence that the authority can deliver the housing targets. This scheme would help in that process.

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing, albeit at a reduced proportion of the site, in a quantity and type that satisfies identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, type and location and it is considered that this is a material consideration of significant weight in favour of the application.

There will be some harm to the landscape, which is unavoidable with this scale of development. The proposal is the comprehensive development of a large site which provides opportunities for a layout which will enable the built-up boundary of the town to be better integrated into the landscape. There is scope to use open spaces and landscaping to link the scheme to the town with enough space to avoid the need to develop some of the most sensitive areas. It is considered that any harm is outweighed by the need to provide new housing and associated infrastructure, particularly highways improvements.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The scheme also makes a substantial contribution to transport infrastructure and associated mitigating measures. The balancing issues of highways impact, development of a greenfield site in the countryside and some impact upon residential amenity, are considered to be of limited harm in this location due to the surrounding built form, layout and opportunity for landscaping.**

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that permission can be granted.

### **Recommendation: PERMIT, subject to:**

- (a) The completion of an agreement under Section 106 to secure:
  - (i) Strategic road contribution - £4,500,000
  - (ii) Sustainable transport/bus contribution - £500,000
  - (iii) Travel Packs and Bus Passes
  - (iv) A Framework Travel Plan monitoring fee - £11,337
  - (v) Education - £531,035
  - (vi) Police - £176,834
  - (vii) Civic amenity site - £42,983
  - (viii) Libraries - £15,690

(ix) Employment Opportunities

(b) The following conditions to include:

- Time limit
- Materials
- Landscaping
- Provision of open spaces/play areas
- Boundary treatments
- Retention of hedgerows
- Levels
- Surface water – housing
- Surface water – highways
- SUDs
- Provision of 15% affordable housing
- Visibility
- Gradients to roadways
- Parking/Garages
- Construction traffic routeing
- Submission and approval of travel plan
- Ecology
- Archaeology

Officer to contact: **Mr P Reid**

**Date: 12<sup>th</sup> April 2016**