

Agenda

Meeting name	Planning Committee
Date	Thursday, 1 August 2019
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	M. Glancy (Chair)	P. Posnett (Vice-Chair)
	P. Chandler	P. Cumbers
	J. Douglas	P. Faulkner
	L. Higgins	E. Holmes
	J. Illingworth	M. Steadman
	P. Wood	

Quorum: 4 Councillors

Meeting enquiries	Development Control
Email	externaldevelopmentcontrol@melton.gov.uk
Agenda despatched	Wednesday, 24 July 2019

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	MINUTES To confirm the minutes of the previous meeting.	
3.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
4.	SCHEDULE OF APPLICATIONS	
4 .1	18/00359/OUT Sysonby Farm, Nottingham Road, Melton Mowbray	3 - 40
4 .2	18/00769/OUT Land North of John Ferneley College, Scaford Road, Melton Mowbray	41 - 86
4 .3	19/00186/FUL 57 Church Lane, Long Clawson	87 - 106
4 .4	18/01471/FUL 3 Main Street, Burrough on the Hill	107 - 118
4 .5	18/01434/FUL 21 Baggrave End, Barsby	119 - 136
4 .6	19/00516/FULHH 36 Greaves Avenue, Melton Mowbray	137 - 142
5.	URGENT BUSINESS To consider any other items that the Chair considers urgent	

Advice on Members' Interests

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Audit and Standards Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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Planning Committee

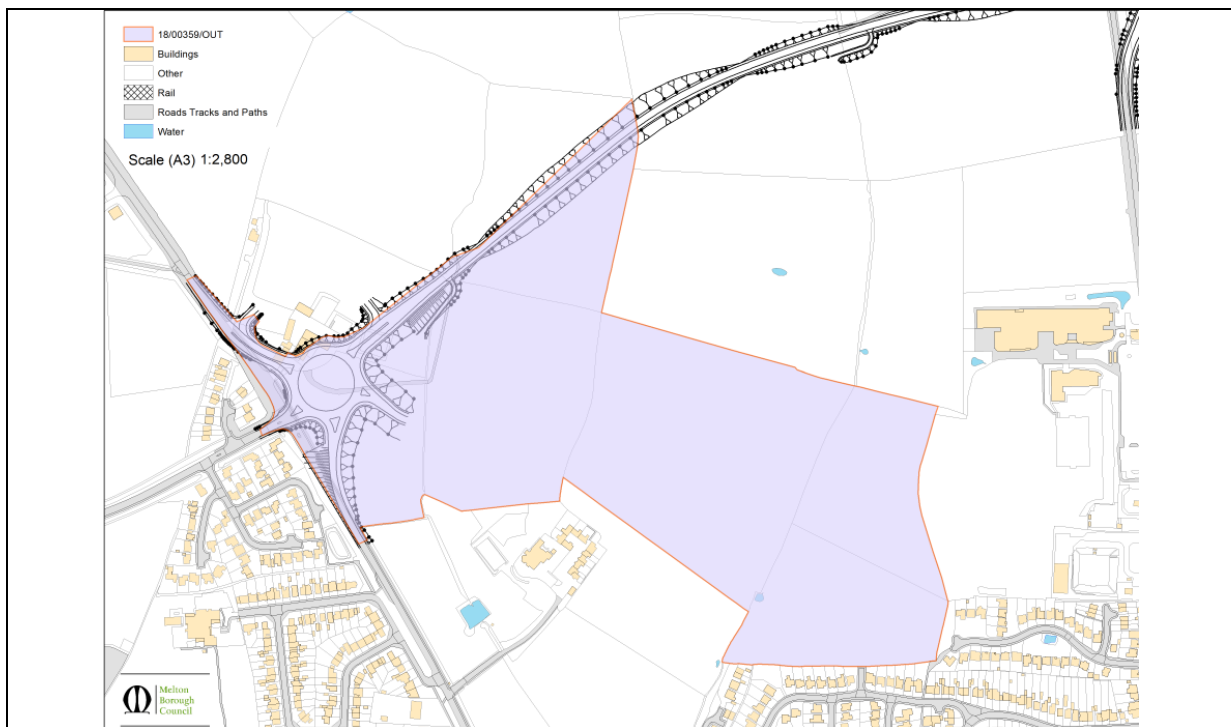
1st August 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

18/00369/OUT, Sysonby Farm, Nottingham Road, Melton Mowbray LE13 0NX (Melton North Sustainable Neighbourhood)

Outline planning application for demolition of all existing buildings and structures, and the erection of up to 290 Class C3 residential dwellings, local centre comprising of 200 m² GEA for Class A1, A2, A3, A4 and A5 uses, up to 250 m² GEA Class B1 business floorspace, Class D1 primary school, open space and associated infrastructure, with all matters reserved except access.

1. Summary:



The application site comprises 20.31 hectares of agricultural land which is at present divided into 6 field parcels, intersected by two minor watercourses. The site has undulating topography, and forms part of a valley. It is situated to the east of Nottingham Road, bound by Nottingham Road along its western boundary, and to the north and east by farmland. The land to the east forms the area for the adjacent / linked planning application (18/00769/OUT) submitted by Richborough Estates.

The site will be bound to the north by the recently approved Melton Mowbray Distributor Road (MMDR) (Leicestershire County Council ref [2018/Reg3Ma/0182/LCC](#)), the line of which has been shown on the above map. Construction of the MMDR is due to commence in 2020, with a build time of c.18 months. Roundabout 1 of MMDR will be to the north west corner of the site, providing the main point of access to the site off Nottingham Road. To the south and east the site adjoins an established residential area and the curtilage of John Ferneley College. A second point of access is proposed as a spine road running through the site, into the adjacent site to the east which is being considered under reference 18/00769/OUT submitted by Richborough Estates.

Sysonby Lodge, a Grade II Listed former hunting lodge with associated outbuildings and grounds is located to the south of the site. The outbuildings have been converted to housing and there is permission to convert the main house and for residential development in its grounds.. The boundary of the application site is approximately 40 metres from the nearest point of the listed building. Sysonby Farm, a late 19th century farmhouse with associated buildings is within the application site boundary, adjacent to Nottingham Road; the property is not listed locally, nor is it subject to a statutory designation. It's demolition forms part of the permission for the MMDR.

The site does not form part of a conservation area, nor does it have any other statutory designation (AONB, SSSI etc.)

2: Recommendations:

Permit subject to:

- (i) Completion a S.106 agreement making for:
 - Affordable housing provision;
 - NHS / CCG contribution;
 - Education contribution;
 - Libraries contribution;
 - Civic amenities contribution;
 - Libraries contribution;
 - Open Spaces;
 - Country Park – upgraded pathway
 - Land for the provision of the MMDR
- (ii) Conditions as set out in Appendix C

3: Reasons for Recommendation:

The application site is allocated for housing and associated development as part of the Melton Mowbray North Sustainable Neighbourhood (NSN), covering a large swathe of farmland to the north of the town between Nottingham Road in the north west and Melton Spinney Road in the north east. The proposal has been submitted for outline with access for approval. All other matters are reserved and are to be determined in a separate, future reserved matters application.

Issues regarding access, archaeology, ecology, and drainage have been satisfactorily addressed. Conditions recommended on this application will ensure that the development is delivered and will achieve the standards required to conform to the adopted policies.

As such, the proposal is considered to comply with the Local Plan policies referred to below and principles of the NPPF, subject to the satisfactory completion of a S106 agreement.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee due to the strategic importance of the site.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **The site forms part of the Local Plan housing allocation ‘Melton Mowbray North Sustainable Neighbourhood’ with 1500 homes due to be provided by 2036, as part of a total allocation of a minimum of 1700 homes.**
- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of the Development & Policy Compliance, specifically whether the application should be determined in advance of the production of an agreed masterplan for the Melton North Sustainable Neighbourhood by the Borough Council;
- Highways Safety and the MMDR / Transport Strategy
- Education capacity and provision.;
- Footpaths / PROW
- Ecology

- Archaeology;
- Housing Mix / Affordable Housing;
- Flood Risk / Drainage
- Impact upon the character of the area;
- Impact upon residential amenities;
- Layout

5: Report Detail:

5.1 Principle of Development & Policy Compliance

The principle of development is established in the adopted Local Plan as it is allocated within the Melton North Sustainable Neighbourhood (NSN), subject to compliance to the policies within the overarching policy SS5.

A key matter for determination is whether the application sufficiently satisfies the requirements of policy SS5 so as to proceed in advance of an agreed master plan (currently under development by Melton Borough Council). The wording of the policy in regards to the masterplan is as follows:

Masterplanning and delivery

A master plan, including a phasing and delivery plan, should be prepared and agreed in advance of, or as part of, submission of a planning application for the Melton North Sustainable Neighbourhood (MNSN). In order to achieve a comprehensive approach, the master plan should be prepared for the whole MNSN. It will set out in detail the structure, and development concepts of the MNSN to include:

m1: The amount, distribution and location of proposed land uses alongside a timetable for their delivery;

m2: Proposed key transport links, within and outside of the development, including those between the main housing and local centre, town centre and nearby employment used, services and facilities;

m3: Important environmental features, including high grade agricultural land, biodiversity sites and heritage assets that are to be protected;

m4: Areas of green infrastructure and green space (including important strategic green gaps to be protected);

m5: Areas of new landscaping: and

m6: Design which performs well against BfL12 and seeks to develop the principles of 'Active Design', in accordance with Policy D1.

The MNSN master plan will be prepared in consultation with key stakeholders. Planning permission will not normally be granted for the NSN until a comprehensive master plan has been completed to the satisfaction of the Local Planning Authority.

(emphasis applied)

The final sentence is considered important in terms of establishing whether this application can be determined in advance of the completion of the master plan. The **policy does not require that the master plan must be completed before the grant of any** permission, but states that it will not *normally* be granted in the absence of the master plan.

The applicant has submitted their own master plan, in conjunction with the site directly to the east which is subject of planning application 18/00769/OUT submitted by Richborough Estates but this does not extend to the whole Sustainable Neighbourhood.

The masterplanning of the two Sustainable Neighbourhoods in their entirety is being undertaken by the Borough Council through its appointed consultants, and is due to complete in late summer / early autumn 2019. The master plans will form a Supplementary Planning Document (SPD) that all development within the two Sustainable Neighbourhoods will be expected to accord with. This work commenced following the adoption of the Local Plan in October 2018, once it became apparent that the consortium of developers in the north of the town were not progressing a master plan.

The master plan submitted by the applicant demonstrates that a new primary school can be provided on this site, in addition to a small local centre (some 200sqm for classes A1-A5) and up to 250sqm for B1 business floor space. The neighbouring application site (18/00769/OUT) has proposed to provide land for the extension of John Ferneley College by 200 places (1.22ha).

The need for the proposed primary school has been accepted by the LEA, however they will determine the final location in consultation with the applicant during the reserved matters which will follow if this application is successful.

The proposed local centre is not considered ideally located to serve the MNSN, by virtue of it being towards the western extremity of the MNSN, and therefore not easily accessible to all future occupiers. In addition, it is too small to function as a local centre to benefit the whole MNSN, lacking in space to provide further community services and facilities, and the potential for healthcare provision. Its approval in this location could undermine the future success of the neighbourhood local centre, once the most suitable location for this has been agreed by the masterplanning process. It is unlikely that the master plan will locate the local centre for the whole MNSN in this parcel of land for the reasons as outlined above.

In addition, the location of other strategic infrastructure as contained within policy SS5 which will be informed by the master plan. Items such as the local centre to serve the whole MNSN, allotments, playing pitches and extra care facilities. In particular, allotments and playing pitches will require a parcel of land to be provided in one, or possibly two places, rather than each parcel of land / or individual developer making their own provision within their own site.

Additionally, the work being undertaken by the Masterplan is suggesting that for certainty, the self-build / custom build element (as per policy C8) is provided in one area of the MNSN. Developers in both SN's have raised concerns with regards to

this policy as to how it would be delivered and managed practically on site with their build programs. Therefore, allocating a specific area for all of the self-build plots (c. plots for 85 dwellings) would seem to be a suitable response to these concerns.

A further consideration in respect of this application is that the County Council has been successfully awarded moneys through the Homes England Accelerated Construction Fund. This money is specifically to provide enabling infrastructure, to help the site get off the ground as soon as possible to ensure early delivery. It can be used for items such as sub stations, access roads and storm drainage. In addition it can also be used for producing some of the surveys required to support planning applications such as noise, ecology etc. The grant is caveated that it must be spent in full by the end of March 2021. This is amongst the reasons as to why this application is being presented to Committee in advance of the adoption of the Masterplan SPD, and should be considered by Members as a consideration within the 'planning balance'.

Therefore, Members will need to assess the offer being put forward by this application against the requirements of the policy, and make a judgement as to whether the determination of this application prior to the completion of the master plan will undermine or prejudice the overall strategic ambitions and delivery of the wider MNSN.

Uncertainty remains regarding the wider configuration of the various component parts of the northern SN, which is why a judgement needs to be made on this (and the neighbouring) application site. However, on the basis of the information received to date, it is considered that the application will not prejudice the delivery of the wider SN because it makes sufficient provision for the key components of infrastructure to support its own demands and also contribute towards the fulfilment of the wider SN.

5.2 Highways Safety and the MMDR / Transport Strategy

The Local Highway Authority has been consulted on the application, and subject to conditions and contributions (towards the MMDR, other highway improvements and public transport), the impacts of the development are not considered severe in accordance with the NPPF paragraph 109.

Contributions are requested towards the Melton Transport Strategy at £8653 per dwelling, in addition to a bus route serving the site, travel packs and bus passes for residents, a traffic calming scheme on The Crescent and SCOOT validation of certain junctions in Melton.

Objections were raised by some local residents regarding the traffic generated by the proposal (and the high levels of congestion already experienced in Melton). As detailed in the County's highway response, it is likely that there may be some detriment to the operation of the highway in the short term, however the long term strategy of the MMDR and associated wider transport strategy will improve traffic conditions. Indeed, given the expected timeframe for the delivery of houses on this site (bearing in mind that this is an outline application and a further detailed permission would be required to deliver homes), it is quite likely that the road will be nearing completion by the time that homes are delivered. Furthermore, this site

contains part of the land for the MMDR to be provided, including part of roundabout 1 on Nottingham Road, and the first stretch of road between Nottingham Road and Scalford Road, with the remainder of this stretch being provided by the public sector on land currently under the control of Richborough Estates.

Another objector raised issues with regards to the chosen peak times for determining traffic flows, stating that the peak time should cover a much wider period of time in the morning and evening. The peak time used for calculations of traffic impact is not an acknowledgement of how long the peak time actually is, but an analysis of the 'worst case scenario' which is typically in one hour in the morning, and one hour in the afternoon/evening. It is informed by a 'bell curve' and the highest traffic movements in one hour is used to inform the 'peak'. This is the number that is then used to calculate worst case traffic scenarios for the Transport Assessment.

The Local Highway Authority has no objections to the proposal, and subject to the imposition of conditions and contributions to mitigate the impact of the proposal it is not considered that the proposal will be detrimental to the safe and satisfactory function of the highway network. The MMDR has planning permission and is now in the final stages leading towards construction commencing. It is highly likely that the MMDR will be delivered, or will be close to being opened by the time homes are being delivered on this site. In addition, the S106 agreement can be utilised to ensure that the land for the MMDR is protected so that it can be delivered.

5.3 Education & Other Infrastructure Provision

A significant amount of work has been undertaken in conjunction with the Local Education Authority (LEA) to determine an education strategy to meet the demands of the substantial amount of housing development proposed in and around Melton Mowbray by the adopted Local Plan. Whilst the full comments of the LEA can be found below at Appendix A, the strategy is to ensure that all developments coming forward in the area contribute towards the education infrastructure required to support the level of development coming forwards.

In Melton Mowbray, this will require the provision of four new primary schools (two in the north, two in the south), an extension to John Ferneley College (land for this offered by Richborough Estates), and a new 625 secondary school, the location of which is yet to be determined.

Contributions have been calculated for developments in the town to include all of the above, in addition to extra places at primary and secondary special schools, and post-16 education. Developments that come forward in the villages will not be expected to contribute towards primary education in the town as this will be required in the relevant village, but where they are in the catchment for Melton Mowbray for all other types of education they will contribute towards its provision. This has resulted in a **final calculation per dwelling of £12,422.26**. As this application is offering land for the development of the single form entry primary school (1ha), the total contribution has been reduced by £741,000 to offset the 'value' of the land being provided. The education contribution requested is therefore £2,861,455 which the applicant has agreed.

It is important to note here the interdependencies between this application site, and the neighbouring site promoted by Richborough Estates (18/00769/OUT) that the contribution strategy also seeks to address by applying a 'per dwelling' contribution.. For context, there are very few available primary places in Melton that can meet the demands that this application will put on the provision. The same can be said for secondary education. Therefore, this site requires the provision of the extension to John Ferneley College to cope with the children that it will generate (in addition to the primary school that it is providing), and the Richborough Estates site requires the primary school that is promoted on this site.

Therefore, the LEA has agreed that it will be responsible for the provision of the primary school when required and /or when funding is in place, having set triggers for payment based on occupations, rather than restricting occupations. All of the contributions will be payable by the time that 75% of the development has been occupied (i.e. 217 dwellings).

The remaining risk from this approach is that if higher housing numbers are delivered across the Northern Sustainable Neighbourhood than envisaged as a minimum within the Local Plan (1,700). The provision of a single form entry school at this site, without the ability for it to expand (it would be landlocked), could result in an under-provision, leaving the eastern portion of the NSN to provide a larger, three form entry primary school. The LEA are aware of this, and have not requested that additional land is made available for a potential expansion of *this* school in future (i.e. an additional 1 hectare of land), therefore it cannot be reasonably requested of the applicant due to the uncertainty involved.

It is therefore considered that the proposal can provide the education infrastructure required to meet the needs of future residents, and the LEA have no objection to the proposal.

Most recently, the NHS / CCG have also updated their requests for contributions towards primary care facilities in the town. The figure that they have requested (£127,705.56) is based on the cost of the provision of new/expanded facilities for new patients generated by the development. Whilst they have yet to determine in what form and where this facility will be provided (they will be making a decision mid-August), their request is considered reasonable and justified, based on the available evidence. It is likely that the new facilities will either be provided at the existing premises in the town centre, or at a new site in one or both of the SN's. Nevertheless, the cost of provision will be the same based on the best known evidence.

The applicant for this proposal suggested that the new medical premises could be located within the local centre that they are proposing. The local centre is however only proposed for use classes A1-A5 and B1, which would not suit a medical practice. It is therefore considered that the best approach at present is to request the financial contribution which the applicant has also agreed to.

5.4 Footpaths

The proposal as submitted includes provision for Public Footpath E17 on its existing line through a recreational corridor which is to be created within the development. This path will be key as a non-motorised link between the proposed development and existing amenities located off site, and also an important gateway to the recreational network of footpaths around Melton.

Although the footpath will lose its rural character for the length of the development, the provision for the retention of the footpath will reduce the impact, and therefore the PROW officer has no objections to the proposal in principle. However, there are details which will need to be considered at the reserved matters stage and therefore conditions are recommended relating to the PROW.

The PROW Officer has no objections to the proposal subject to the imposition of conditions

5.5 Ecology

A number of ecological surveys were submitted in support of the application: Bat Survey, Breeding Bird Survey, Badger Mitigation Survey and Great Crested Newt Survey (with update).

Ecology has advised that, subject to conditions they have no objections to the development. Conditions include recommendations within the surveys, the submission of mitigation strategies at reserved matters, the retention of hedgerows on site with buffers of semi-natural vegetation, biodiversity enhancements and updated protected species surveys at reserved matters.

Overall, it is considered the ecological interests of the site and immediate surroundings will be adequately safeguarded by the proposed conditions and mitigation. In addition to the retention of hedgerows and biodiversity enhancement which will be ensured at the reserved matters stage.

5.6 Archaeology

The site lies in an area of archaeological interest. Trial trenching undertaken to inform previous development proposals identified the presence of probable Iron Age / later prehistoric activity at the south-west corner of the site. More recently, geophysical surveys of the vicinity has pointed to the presence of previously unidentified archaeological remains at a number of locations across the northern and eastern fringes of Melton Mowbray.

Therefore, conditions are required for a field evaluation (including trial trenching).

5.7 Affordable Housing/Housing Mix

The application proposes up to 290 dwellings, with 15% of these being affordable, in accordance with policy SS5. A proposed housing mix has not been submitted, therefore a condition requiring the developer to provide a housing mix compliant with the Council's adopted policy and most recent evidence would be placed upon any permission granted (as per policy C2, and Table 8 of the

Development Plan).

It is considered the proposal can provide an acceptable housing mix in terms of size, type and tenure and a policy compliant level of affordable housing provision, subject to an appropriately worded condition.

5.8 Flood Risk/Drainage

The proposal has been subject to consultation with the LLFA who raise no objection. Conditions can be imposed to ensure the drainage strategy is satisfactory (including surface water, SuDS and infiltration testing) and implemented.

Severn Trent Water were also consulted, however they did not respond to the consultation.

5.9 Impact upon the character of the area

The application represents fulfilment of the strategy for the growth of the town, as proposed within the adopted Local Plan. Delivery of the strategy as promoted within the Local Plan will also help to ensure that other areas that are not allocated will not be under pressure from development.

The delivery of the MMDR is the key to the wider strategy for the delivery of the Melton Local Plan, underpinning the infrastructure delivery element which is essential to the growth of the town. Without the MMDR, all growth in Melton Mowbray would be strictly constrained due to the severe impact upon traffic and congestion in the town. The MMDR will provide this relief, allowing the town to grow in a planned, sustainable manner, in accordance with the adopted Local Plan.

Submitted with the application is an illustrative masterplan, however as the application is for outline with only the access for determination at this point, the layout will be for consideration at the reserved matters stage.

There will be an inevitable loss of open countryside as a result of the proposed development, however when coupled with the introduction of the (now approved) MMDR road to the north, there will be a substantial change to the overall character and appearance of the area, which will become more 'urbanised'.

There are measures that can be incorporated into the future design of the scheme, to mitigate the impacts on the character and openness of the surrounding landscape. A high degree of soft landscaping and open spaces within the development can ensure that the perception of the development is considerate of the wider rural landscape, particularly to the north.

It is considered the proposal can achieve a high standard of design and layout, in compliance with Policy D1, to be determined at the reserved matters stage should this application be successful.

5.10 Impact upon residential amenities

As the application is in outline with only the access for approval at this stage, the

impact upon individual residential properties cannot be assessed. As stated above, an illustrative masterplan has been submitted, however this is for illustrative purposes only and the layout and design of individual dwellings are reserved matters.

It is considered that a suitable design can be achieved in future to ensure minimal impact upon the residential amenities of neighbouring dwellings, to satisfy the requirements of policy D1.

5.11 Layout

Whilst layout is not a matter for determination within this outline application, an illustrative masterplan has been provided, showing the provision within the site of a number of elements of infrastructure.

- Local centre - This would consist of 200m² for A1-A5 uses, and up to 250m² for B1 business floor space. This will not meet the needs for the whole of the NSN, but will go somewhat towards meeting the needs of those residents living between Nottingham Road and Scalford Road, and perhaps residents a little further afield.
- Shared use sports pitch and play area – this is proposed to be shared with the primary school, however it is not yet understood whether this would be acceptable to the Academy that would likely run the school. As the land take for the school has been reduced from 2ha to 1ha, the provision of a playing pitch with equipped play area could be conditioned to form part of the reserved matters application.

Local residents raised issues with the proposed layout as demonstrated within the illustrative masterplan, particularly regarding the layout close to the Dickens Drive in regards to the direction of the road and the proposed footways. The application is in outline, and the layout provided is not proposed for determination at this stage. The layout will be subject to determination at reserved matters where all of these matters including the impact upon residential privacy and amenity can be balanced with the need to ensure a well-connected development.

Residents also raised issues with regards to the location of affordable housing, which has not yet been determined. Again, this will be determined at the reserved matters stage(s).

Residents of Dickens Drive also raised concerns with regards to the level of planting proposed along the southern boundary, restricting their right to light. The amount and type of landscaping will be determined in detail at the reserved matters application.

It is considered that the layout can be satisfactorily addressed at the reserved matters stage, and that the density of development proposed (up to 290 dwellings) is satisfactory.

Consultation & Feedback

Site notices were posted, the application was advertised in the local press and neighbouring properties were advised by letter, and advised of further amendments.

As a result, 11 comments were received from 6 households. 2 of these were neutral (i.e. neither objecting nor supporting), and 4 raised objections. One of the letters was on behalf of 3 households on Winchester Drive.

Objections raised relate to:

- Increased traffic volumes
- Disproportionate development to the north of the town (vs. east and west)
- Impacts upon privacy and amenity
- Loss of light from proposed tree planting
- Lack of employment opportunities
- Questioning the need for homes
- How the redundant section of Nottingham Road will be dealt with (needs to be planted, but not obscure views)
- The pole mounted electricity transformer opposite 12 Winchester Drive should be relocated (outside of the application boundary)
- Layout of the internal roads and footways on the masterplan

Financial Implications:

A S.106 agreement has been requested making contributions as set out in the report above for:

- Education Contribution: **£2,861,455**
- Highways Contribution: **£2,509,370** (£8653 per house for strategic road improvements)
- Highways Contribution: **£750,000** (Bus service, total between this site and 18/00769/OUT)
Highways Contributions: **£6,000** (SCOOT Validation), **£6,000** (Travel Plan Monitoring), **£7,500** (relocation of speed limit), a scheme to deter rat-running on The Crescent, Construction Traffic Routing Agreement, Travel Packs and Bus Passes
- Civic Amenity Contribution: **£23,971**
- Libraries Contribution: (per house based on size of house)
- NHS (ELR CCG): **£127,705.56**
- Affordable Housing: 15% across the site, split 80% social rented,

20% other types of affordable housing including starter homes and/or discounted purchase.

- Employment and training opportunities
- Open Space, Sport and Recreation in accordance with policy EN7
- Upgrading 150 metres of paths at Melton Country Park - **£25,000**
- **Land for the provision of the MMDR / protection of the land for the provision of the MMDR**

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. It is considered that the requests meet with the requirements of the Regulations.

Background Papers:

- Planning Application File [2018/Reg3Ma/0182/LCC](#) for the Melton Mowbray Distributor Road (MMDR), now permitted.

Appendices:

- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

20th July 2019

Report Author: Mrs Sarah Legge, Lead Planning Officer, Development Management

☎: 01664 502380

Appendix A : Consultation replies

LCC Highway Authority (Summarised)

Background

Planning application reference 14/00518/OUT for up to 325 dwellings with all matters other than access reserved was submitted for this site in 2014. The submitted Transport Assessment concluded at the time that the impact on the highway from the development was not severe. However the LHA disagreed with this view and advised refusal in March 2015, but also advised that the LPA may wish to consider results from the emerging Melton Transport Study, which may have allowed the LHA to provide a more positive response. Melton Borough Council subsequently refused the application on highways grounds in April 2015.

Melton Mowbray Cumulative Development Impact Study

The LHA and the LPA completed the Melton Mowbray Cumulative Development Impact Study in October 2014 which used the Leicester and Leicestershire Integrated Transport Model [LLITM].

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 Strategy

In February 2015 the LHA and LPA released a 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.

Crucially, the study work undertaken for this concluded that the current highway network in Melton Mowbray has reached capacity and that significant new highway capacity in the form of an outer distributor road will be needed to accommodate the additional development required in Melton Mowbray. It is therefore clear that a co-ordinated approach to transport mitigation will be required.

At its meeting on 11th September 2015, the County Council’s 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) now referred to as the Melton Mowbray Distributor Road (MMDR) on the condition that such developments were contributing to the delivery of the MMDR and the emerging wider Melton Mowbray Transport Strategy.

Melton Mowbray Distributor Road

The overall Melton Mowbray Distributor Road (MMDR) comprises:-

- A ‘Northern Distributor Road’ (NDR) linking the A606 Nottingham Road to Melton Spinney Road;
- An ‘Eastern Distributor Road’ (EDR) linking Melton Spinney Road to the A606 Burton Road; and,
- A ‘Southern Distributor Road’ (SDR) linking the A606 Burton Road to the A607 Leicester Road.

In May 2018, the DFT announced the award of £49.5m in government funding to deliver the North and East scheme; planning permission was granted in May 2019. It is anticipated that construction will start in summer 2020 and conclude by the end of 2022 in line with the outline business case timeframes. In line with the agreed approach outlined above, developments will be expected to contribute towards delivery of the MMDR. A separate bid has been submitted to Homes England for forward funding for the southern scheme.

Site Access

As shown in Phil Jones Associates drawing number 2094-102, the development site would be accessed via a five arm roundabout off Nottingham Road (A606), which currently has a 40mph speed limit in this location.

The roundabout will not only serve as the development access but will form a key junction for the MMDR. It can be fully delivered within land under the Applicant's control and existing highway land. Planning permission was granted for the MMDR in May 2019.

The roundabout will have a speed limit of 40mph and require relocation of the existing 40/50mph speed limit terminals on both the A607 and St Bartholomew's Way. The LHA therefore advise that the Applicant will be required to cover the costs (£7,500) associated with amending the Traffic Regulation Orders to relocate the speed limit terminals, in the form of a Section 106 contribution. The Applicant has stated that an additional access point with a 6.75 metre wide carriageway will be provided at the boundary between this site and the neighbouring Richborough development, which would take access from Scalford Road. The internal spine road will be designed as a bus route and this is both welcomed and considered necessary by the LHA.

Highway Safety

Previously the Applicant assessed Personal Injury Collisions (PICs) between 01/01/10 and 28/10/15. The submitted TA Addendum assesses PIC data obtained from LCC between 01/03/13 and 05/05/18. The study area used for the assessment is shown in Figure 1 below.

There have been a total of 49 PICs recorded within the study area, of which six were classed as serious and 43 as slight. No PICs have been recorded on Nottingham Road in the vicinity of the site access. All six serious PICs and a further 17 slight PICs involved pedestrians.

A total of 22 PIC's occurred at junctions within the study area. The table demonstrates that there have been no particular clusters or trends of PICs at any specific junction within the study area.

The LHA has checked its PIC database to discover if there have been any further PICs since submission of the updated data. An additional one PIC has occurred on Nottingham Road involving a right turning vehicle; however this was not at any of the junctions referenced above and did not involve cyclists, pedestrians or children. Overall, the LHA does not consider that the proposed development will exacerbate

the existing situation and would not seek to resist the application on highway safety grounds.

Trip Generation

The Applicant has advised all travel demand calculations have been based on up to 800 dwellings across both the LCC and Richborough sites, split evenly between the two. The quantum of development actually applied for as part of this application is 290 dwellings, with up to 400 dwellings within the Richborough site, resulting in a total of 690 dwellings and an excess of 110 dwellings being assessed as part of this application. The Applicant has advised this represents a worst-case scenario assessment. Trip rates were agreed with the LHA prior to the Applicant running LLITM.

Person trip rates for the development have been based on the agreed trip rates as part of the previous application. The vehicle trip rate for the dwellings has been based on the mode share from 2011 Census method of travel to work data for the Melton Sysonby Ward.

When adding together the two way trips for the LCC site from tables 6.3 (trip generation for 400 dwellings) and 6.6 (Trip generation for the primary school) of the submitted TA, it can be seen in Table 6.7 (site generation) that there are an additional 25 two way trips in the AM peak and 17 two way trips in the PM peak contained within the 2031 LCC site figures, above those generated by the dwellings and the school. Paragraph 2.2.2 of the LLITM Review Technical Note contained within Appendix H of the TA advises, *'the development proposal used within the LLITM modelling included 1.9ha of B2 employment by 2031. This parcel of land has since been omitted from the proposals however is likely to come forward as a separate planning application in the future. Therefore, the trip generation used within modelling is considered to be conservative and remain robust within the 2031 scenario'*. This is considered acceptable to the LHA, however it should be noted that any development to come forward in the future will need to be appropriately assessed as part of that application at the time.

Junction Capacity Assessments

As requested by the LHA, the Applicant has submitted the raw data which makes up the survey base flow data for all assessed junctions.

The Applicant has undertaken capacity assessments for the peak hours of 08:00 - 09:00 and 17:00 - 18:00.

The Applicant has assessed the traffic impact of this development individually and also the cumulative impact of both this site and the Richborough site, should both sites be permitted by the LPA.

The LHA is satisfied that the assessed junctions will operate within capacity under all scenarios up to 2031 and that no mitigation is required. However, the LHA consider that the operation of the Nottingham Road/ Wilton Road/ Scalford Road/ Nottingham Street signalised junction (Junction 3) will be affected by the proposals.

Previous work undertaken by the LHA and LPA for the Cumulative Development

Impact Study in October 2015 identified that the majority of junctions within and around Melton Mowbray town centre were at capacity and that operation would continue to deteriorate with the introduction of new developments such that the LHA considers that the impact would be severe in the context of NPPF without a package of mitigation measures.

The LHA would normally consider assessment results such as those within the TA Addendum to demonstrate the traffic impact of the LCC development to be severe at the junction. However, as set out earlier in these observations, at its meeting on 11th September 2015, the County Council's 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) now referred to as the Melton Mowbray Distributor Road (MMDR). This was on the condition that such developments were contributing to the delivery of the MMDR and the wider Melton Mowbray Transport Strategy.

Therefore, given that opportunities for improvements at this town centre junction are very limited, the LHA considers it more appropriate that mitigation for the proposed development is sought through securing wider improvements in the form of new highway infrastructure which can mitigate the impact at those junctions through the reassignment of traffic. The LHA considers this can be addressed through the delivery of the Melton Mowbray Transport Strategy including a Melton Mowbray Distributor Road, on the basis of the £49.5 million government funding secured to deliver the scheme. Until such a time as this infrastructure is provided however, the impact of this development would be considered to be severe.

Work undertaken by the LPA and the LHA to secure the recent funding towards the Northern and Eastern Distributor Roads has identified that following the implementation of the Distributor Roads, there is likely to be a decrease in total delay at the Nottingham Road and Salford Road junctions. Accordingly, the LHA would therefore seek to enter into a S106 agreement for a contribution based on a proportionate impact of this development on the highway network which is in line with the approach taken by the LHA under application reference 17/01500/OUT (Lake Terrace, Melton).

Based on this approach, the LHA advises a contribution of £2,509,370 (£8,653 x 290) towards the delivery of strategic transport improvements including the MMDR from these proposals. This requirement set out below in the section titled contributions. The Applicant has indicated they are willing to contribute towards the MMDR.

However notwithstanding the comments above the LHA has identified some measures which will help alleviate some of the impact of the proposed development in the short term. The SCOOT system co-ordinates the operation of traffic signals in an area and provides a proactive approach to managing fluctuation in traffic throughout the day including the AM and PM peak hours. Whilst this would not, in itself, mitigate the development impact, it would contribute positively to reducing the impact of the development. The requirement for contributions to SCOOT validation at the junctions mentioned above is set out below in the section titled contributions. The Applicant has indicated they are willing to undertake measures at

the junction.

Off-Site Implications

The Crescent

The Applicant has proposed traffic calming on The Crescent to encourage drivers to use the MMDR as a more suitable route between northwest and northeast Melton, however no detailed drawing has been submitted which outline any proposals. While the Applicant has demonstrated the junctions either side of The Crescent would operate within capacity under all scenarios as outlined above, the LHA consider it would be beneficial to implement measures to deter the use of The Crescent.

The LHA consider that a scheme to deter traffic from using The Crescent can be delivered by condition. It should be noted that any scheme is likely to require Traffic Regulation Orders and the Applicant will be required to cover the cost of these in full. A scheme would also be subject to public consultation, the outcomes of which may result in the scheme needing to be revised. A scheme should therefore be pursued at the earliest opportunity by the Applicant.

Minor Road Audit

The Applicant advised that the LLITM model has indicated that additional vehicles are anticipated to use a number of minor roads as a result of the cumulative LCC and Richborough developments, including single track lanes with low traffic volumes, specifically Gaddesby Lane, Pastures Lane, Holwell Lane, Saxelby Road, Olster Lane and Old Dalby Lane. Within the TA, the Applicant has stated additional traffic is anticipated on Saxelby Road, Olster Lane and Old Dalby Lane in the 2021 AM peak (up to approximately 25 two way Passenger Car Unit (PCU) trips) and on Holwell Lane in the PM peak (23 PCU's) as a result of the MN cumulative development traffic and reassignment.

After considering all of the information, given that the impact on Saxelby Road, Olster Lane and Old Dalby Lane is prior to the MMDR and the impact on Gaddesby Lane and Pasture Lane is minimal in 2031, the LHA do not consider an audit would be necessary.

Internal Layout

Given the nature of this application, the LHA have not considered the internal layout of the proposed development in detail. This would be determined as part of a future reserved matters application. Nevertheless, the LHA has noted that the 'potential primary school' site shown on the Illustrative Masterplan within the TA (Townscape Solutions drawing number IM-01a Rev PP has been located at the end of a cul-de sac. As per Table DG1 of the Leicestershire Highways Design Guide, a school should not be located cul-de sac. This will therefore need consideration prior to submission of the reserved matters application.

The Applicant has advised that the spine road to the development, which would link through to the adjacent Richborough application site, would be designed as a bus route, with a 6.75 metre wide carriageway. This is welcomed by the LHA and would be considered necessary. The Applicant will be required to design the internal layout and spine road to ensure that all dwellings within the site are 400 metres from a bus stop. Bus stops will be required at appropriate locations including raised kerbs and

real time information.

Transport Sustainability

A Travel Plan has been submitted as part of this application which is overall considered acceptable, subject to amendments, which can be conditioned.

The LHA will seek to secure appropriate bus services through an appropriately worded planning obligation.

In order to further encourage sustainable travel and inform residents of what sustainable travel choices are available in the surrounding area, the LHA would advise one travel pack (£52.85 per pack) and two six month bus passes (at an average cost of £360.00 per pass - cost to be confirmed at implementation) will be required per dwelling. A travel plan monitoring fee of £6,000 will also be required.

Public Rights of Way

It is noted that footpath E17 runs through the eastern section of the site. The LHA would advise the LPA to consider the comments raised by the Access Officer submitted on 11 September 2018.

Construction Period

Disappointingly no consideration has been given to how the development will be constructed; therefore the LHA support the imposition of a condition (and obligation in relation to Construction Traffic Routing) which requires the submission of a robust Construction Traffic Management Plan (CTMP) to ensure that the construction period does not unduly affect the operation of the adjacent A606 Nottingham Road. The LHA are aware that there will need to be significant earthworks required to make the site suitable for residential development in the first instance. It is considered that the CTMP should consider the impact of construction during these works, as well as when above ground works commence. It will be crucial to engage with the promoters of both the Richborough site, as well as the adjacent MMDR to minimise impact.

Local Education Authority

This request for an education contribution is based on 290 homes of which 43 will be one-bedroom homes for which no claim is made. This site generates:

Sector	No. of Pupils generated by the development
Primary	75
11-16	42
Post 16	9
Primary Special	0.89661
Secondary Special	0.98800

In order to plan strategically for the provision of the Education infrastructure needed

as a result of the proposed housing developments in the Borough, the County Council in arriving at the contribution requested, has taken account of the proposed developments in the Sustainable Neighbourhoods (SN) planned to the north and south of Melton town, and the developments planned in Melton town itself.

The calculations are based on the numbers of homes proposed in the Local Plan, which equates to 1700 in the North SN, 2000 homes in the South SN and 550 homes in the town. In accordance with the Local Plan it is assumed that 15% of these homes will be one-bedroom flats, for which there is no expected pupil yield and therefore no contribution sought.

The calculations also include the pupil yield from 282 homes in village locations where the village falls within the catchment area of John Ferneley and Long Field School, however this only applies to the secondary, post 16 and special elements of the total infrastructure cost as these pupils will be expected to attend the village primary school closest to the development, and therefore any primary contributions sought will be used to extend the local school.

The calculation is based on an assumption that 4532 homes will be built in the plan period, this figure is then reduced by 15% to represent the number of one-bedroom homes to be built in Melton town, giving a final figure of 3895 homes

The pupil yield rates per 100 dwellings with two or more bedrooms used are as follows:

Primary	30.0
Secondary 11-16	16.7
Post 16	3.3
Special (Primary)	0.363
Special (Secondary)	0.4

PUPIL YIELD

SECTOR	NORTH SN	SOUTH SN	TOWN/VILLAGE	TOTAL
Primary	574*	539*		1113
Secondary	241	284	312	837
Post 16	48	56	64	168
Special (Primary)	5	6	4	15
Special (Secondary)	6	7	4	17

*Pupils from approved sites in the town are included in these figures.
The yield figures are rounded up to the nearest whole number

In order to provide the additional school places required, the following provision is required:-

PRIMARY

NORTH SN	BUILD COST	LAND COST
One 210 place school	£4,410,000	£741,000 1ha
One 240 place school	£6,641,000	£1482,000 2ha

SOUTH SN

One 210 place school	£4,410,000	£741,000 1ha
One 240 place school	£6,641,000	£1482,000 2ha

TOTAL COST £22,102,000 £4,446,000 £26,548,000

Less contributions from signed agreements equalling £348,451, leaving a balance of £26,199,549 – this cost will be shared across the dwellings to be built in the North and South SN and Melton town only. Any developments in the villages will contribute towards the cost of extending the village or local primary school.

SECONDARY

In order to provide the additional 837 secondary school places required, the proposal is to extend John Ferneley College by 200 places and to build a new secondary school (11-16) ideally in a location to the south of the town in order to ensure that secondary school places are located where the housing growth is planned. The Long Field School is not suitable for further development due to its location within a flood plan and the complexities and cost of extending buildings in locations of this nature.

To extend John Fernley by 200 places would cost £3,575,234 (based on the cost multiplier of £17,876.17 per pupil place) and require 1.22ha of land at a cost of £904,020 (based on a land value of £741,000 per ha)

To build a new 650 place secondary school would cost £18,567,000, and require 5ha of land at a cost of £3,705,000.

total cost £26,751,254. S106 agreements already signed include contributions to the value of £1,766,344. This funding will be used towards this cost leaving a balance of £24,984,909 to fund.

POST 16

The Post 16 provider in Melton is the Melton Vale Post 16 Centre on Burton Road. The Centre currently has spare capacity for a further 100 students. The total yield from the proposed development is 168 pupils, so S106 contributions are required to provide an additional 68 places.

The cost multiplier for Post 16 places is £19,327.90 per pupil place.

The total cost for providing the additional Post 16 places is £1,316,666.

SPECIAL

The nearest Special School to the proposed developments is the Birch Wood School. The school is full and forecast to remain so.

The total predicted yield from the proposed developments of pupils requiring education in a special school setting is 15 primary age pupils and 17 secondary age pupils.

The cost multiplier per primary place is £54,445, and the cost multiplier per secondary place is £83,707.

Giving a total special school contribution of £2,239,694. S106 agreements already signed include contributions to the value of £181,583. This funding will be used towards this cost leaving a balance of £2,058,111.

S106 CONTRIBUTIONS ARE REQUIRED TO FUND THE TOTAL FOLLOWING LAND AND BUILDING COSTS:

Primary	£26,199,549
Secondary	£24,984,909
Post 16	£1,316,667
Special	£2,058,111
TOTAL	£54,559,236

The proposed total contribution, how this figure relates to the different sectors and the per dwelling levy is shown below

SECTOR	TOWN	VILLAGES
Primary	£6,164.60	-
Secondary	£5,513.00	£5,513.00
Post 16	£290.53	£290.53
Special	£2,058,111	
TOTAL	£12,422.26	£6,257.66

On the assumption that 4532 homes will be built in the plan period, this equates to £12,422.26 per home in the North and South SN's and Melton town. This figure will be reduced proportionately where any developer allocates land to build the new primary schools or secondary school at a value of £741,000 per ha.

The contribution for homes in the village locations will equate to £6257.66 per home, however please note that this figure does not include any primary contribution which will be required.

CONTRIBUTIONS FOR THIS APPLICATION

Based on 290 homes, at a charge of £12,422.26 per home the total contribution required is £3,602,455. On the assumption that LCC allocates a site of aha to provide land to build a new one form entry primary school (210 places), this contribution will be reduced by £741,000 to give a final total contribution of £2,861,455.

TOTAL REQUIREMENT £2,861,455

PAYMENT TRIGGERS

The timing and speed of development of the new housing in the NSN is critical to the payment triggers for contributions and the need to ensure that sufficient funding is available when it is required. The education contribution is a global figure which includes the cost of extending or building new primary, secondary, post 16 and special schools provision. The figure will be applied as a per dwelling contribution and will be paid as such, the County Council will determine the timetable for increasing the number of places in the various sectors.

Where land is allocated for the provision of new facilities this will be required as serviced land which should be transferred to the County Council prior to occupation of the first dwelling.

The payment triggers for the contributions will be as follows:-

10% on first occupation.

70% on 50% occupations.

20% on 75% occupations.

This will mean 75% occupations would be the latest date for payment of the final instalment, or within 36 months of commencement of development whichever comes sooner.

The payment triggers assume that the County Council will be building the new schools and the extension to John Ferneley.

The same set of triggers will be applied to all developments in the NSN. Each developer will pay the sum due when the required number of houses have been occupied on their development.

However the triggers for the construction and opening of the new school will depend on the cumulative total of houses built and occupied in the NSN.

The school will not be opened until at least the occupation of 200 dwellings. The school will be opened at the discretion of the County Council when required and/ or when funding is in place.

LCC Ecology

Habitats: The habitat survey of the site (Just Ecology, March 2017) indicates that the majority of the site is either improved grassland or arable. The hedgerows surrounding and throughout the site are considered to be species-rich and worthy of retention. There is an existing stream running north to south and this should be retained and buffered from the development. The proposed masterplan (IM-01a) indicates some open space on this corridor, but it is not clear if the watercourse will be retained.

Badgers: The badger survey (Just Ecology, March 2017) recorded a number of setts close to and within the application site. The report indicates that the layout will need to work to protect these setts, connectivity between them and provide enough foraging grounds for the badgers. Since the original ecology comments were written, the plans have developed for the MMDR, which are looking to provide a badger tunnel in the area of proposed tree planting in this scheme. The indicative layout provides a corridor between Sysonby Lodge and the MMDR route, but the Officer also recommends that it is ensured that there is not a pinch point on the northern

boundary between the corridor and the proposed tunnel. The MMDR does not have much landscaping width on this point and it is important that badgers have a sufficient route to move through, to ensure their welfare but also to help prevent conflict between badgers and people in their gardens.

Wildlife Corridors: The two main areas of open space / wildlife corridors are not connected and would recommend that the boundary is buffered from housing, with a 5m buffer of semi-natural vegetation. This will allow badgers to move along the edge of the development and access all areas of open space.

Bats: The updated Bat Survey (Wardell Armstrong, August 2018) indicates that building B1 is a confirmed bat roost, with 4 Common Pipistrelle bats emerging. Building B4 was found to support a Brown Long-eared feeding roost.

Mitigation will therefore be required in support of this application. An outline mitigation strategy is contained within Section 5 of the report. This is acceptable in support of the outline application, as it has been demonstrated that adequate mitigation can be incorporated into the development. We would, however, expect to see a detailed mitigation plan submitted in support of the reserved matters application.

In summary, our recommendations for the development are now as follows:

Prior to determination:

- The badger mitigation strategy should be revisited, ensuring that there is good connectivity between setts on-site and those close to the site boundary.
- The indicative layout to be revised to reflect any amendments/additions to protected species mitigation.

Should planning permission be granted we would recommend the following is incorporated into conditions of the permission:

- Long-term layout must include green corridor to the east and south of the site. This should include habitat suitable for GCN.
- A detailed GCN mitigation strategy to be submitted with the reserved matters application, informed by additional survey as appropriate.
- A detailed Bat mitigation strategy to be submitted with the reserved matters application, informed by additional survey as appropriate.
- All hedgerows retained on site should be buffered with a minimum of 5m semi-natural vegetation from plot boundaries.
- Works to be in accordance with the recommendations in the breeding bird report, including the replacement of suitable bird boxes.
- Landscaping plans to reflect biodiversity enhancements, particularly in areas of open space and the green 'SUDs' corridors throughout the site.
- Prior to commencement a biodiversity management plan should be submitted and approved.

LCC Footpaths

The line of the footpath shown on the Masterplan drifts off the Definitive Line and therefore the developer should be reminded the need for accuracy.

I note that the proposal includes provision to accommodate the public footpath on its existing line through a recreational corridor to be created within the development. Although the footpath will lose its rural character for the length of the development, the provision for retention of the footpath as shown will reduce this impact and therefore I have no objections in principle. However, the public footpath will be a key non-motorised link between the proposed development and existing amenities located off site and also an important gateway to the recreational network of footpaths around Melton. Therefore, the length of Public Footpath E17 which runs through the site should be provided with a sealed all-weather surface. I suggest the following conditions and informatives are applied to any planning permission granted:

Conditions

1) No development shall commence on site until a Footpath management plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of any temporary diversion, fencing, surfacing, signing and a timetable for provision. The development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To ensure the Public Right of Way is safe and available during the period of construction.

2) The development hereby permitted shall not be occupied until such time as the Public Footpath E17 has been provided in full with a 2 metre wide tarmac surface, with a minimum 1 metre grass verge on either side. In accordance with the County Council's Guidance Notes for Developers, which are incorporated within the Leicestershire Highway Design Guide.

Reason: To provide an all-weather route in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 75 of the National Planning Policy Framework 2012.

Informatives

The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980

The Public Footpath must not be enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001). If the developer requires the Footpath to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary diversion / closure is required.

Any damage caused to the surface of the Public Footpath, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.

No new gates, stiles, fences or other structures affecting the Footpath, of either a

temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal

LLFA

Leicestershire County Council as LLFA advises the Local Planning Authority that the proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

1. Advice - Surface Water (Condition)

Condition

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.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

Note to Applicant

The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

2. Advice – Construction Surface Water Management Plan (Condition)

Condition

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.

Reason

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 though the entire development construction phase.

Note to Applicant

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

3. Advice - SuDS Maintenance Plan & Schedule (Condition)

Condition

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.

Reason

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.

Note to Applicant

Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

4. Advice – Infiltration Testing (Condition)

Condition

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

Reason

To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

Note to Applicant

The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

General Information for Local Planning Authority and Applicant

Land Drainage Consent

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found at the following:

<http://www.leicestershire.gov.uk/Flood-risk-management>

Maintenance

Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Historic England

Do not wish to offer any comments on the application.

LCC Archaeology

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Departments Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland, and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present:

1) No demolition/development shall take place until a programme of archaeological work, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

Reason: To ensure satisfactory archaeological investigation and recording
The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

Environment Agency

The location of the development is in flood zone 1, it does not fall under the categories of a high risk to the environment, or offering significant environmental benefit. Therefore we do not wish to comment on these proposals; our standing advice applies.

Other LCC Developer Contributions

Civic Amenity: The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of **£23,971.00** (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.

The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 290 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £23,971 (to the nearest pound).

This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (In 2012/13 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.

Each household in Leicestershire in 2012/13 delivered on average approximately 0.276 tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 290 dwellings would generate over 80 tonnes of additional Civic Amenity waste at the Melton Mowbray Civic Amenity Site. The proposed development would place additional demand on the Melton Mowbray Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the

demands placed on the site as a result of the proposed development.

Libraries

The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3rd December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on Nottingham Road, Melton is within 2km of Melton Library on Wilton Road Melton being the nearest local library facility which would serve the development site. The library facilities contribution would be £8600(rounded up 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 for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. MEL014. There are currently three other obligations under MEL014 that have been submitted for approval. Subject to change due to future priorities of the library service.

The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for Melton at approximately 25,890 people. The library has an active borrower base of 6,157 people. However post code analysis demonstrates that Melton Library attracts usage from a much wider catchment of 32,550 through additional borrowers who live outside the settlement area but come into Melton for work, shopping or leisure reasons.

Active users of Melton Library currently borrow on average 16 items a year. The national performance indicator NI9 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08 - Oct 09) and for Leicestershire this figure is approximately 48%. This figure would be higher if children were factored into the equation.

Consequently the proposed development at Nottingham Road Melton is likely to generate an additional 410 plus users and would require an additional 989 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Melton.

It 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 library facilities at Melton which would arise due to this proposed development.

The request is based on the following formula for library facilities contributions

10	1 bedroom houses/apartments @ £15.09 per house/apartment
290	2+ bedroom houses/apartments @ £30.18 per house/apartment
	1 bedroom student dwelling @ £10.06 per house/apartment

NHS – Latham House Medical Practice (East Leicestershire & Rutland CCG)

£182,593.34

East Leicestershire & Rutland CCG is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning. As part of this responsibility, the CCG financially supports estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively the CCG will continue to request S106 contributions.

Based on evidence provided by the Practice (average occupancy of 2.42 people per dwelling), the development will generate an additional 701.8 patients.

Based on Department for Health calculations in HBN11-01: Facilities for Primary and Community Care Services, this demonstrates that the increase in the practice list will create additional pressure on clinicians and admin teams. The indicative size and cost of a new development has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes, recognizing the economies of scale in larger practices. As such, a contribution of £182,593.34 has been requested.

Melton Borough Council Open Spaces

Open Space Typology	Standard (ha/1000 population)	Requirement (ha) for 18/00359/OUT (based on 2.4 occupants/dwelling)
Parks and Gardens	1.92	1.34
Natural and semi-natural greenspace	1.38	1.14
Amenity greenspace	0.77	0.54
Provision for children and young people	0.13	0.09
Allotments	0.38	0.26
Playing Pitches	Requirement (ha/1000 population)	Requirement for this application
Football pitches	0.41	0.29

Melton Country Park

A request has been received for contributions towards upgrading approximately 300 metres of paths within Melton Country Park, at a cost estimated at approximately £50,000. It is proposed that this cost is split equally between this application and

Richborough Estates, i.e. **£25,000** each.

This request follows the requirement by policy SS5, T1 (f), which is worded as follows:

'The Melton Park Greenway – a series of measures that improve accessibility and the attractiveness of walking and cycling connections through the Melton Country Park to the town centre Melton Local Plan, and other town attractors such as employment, education and retail.'

Appendix B : Summary of representations received

Principle of Development

Shame to lose green fields and agriculture, but we need housing.

Why is the expansion of the town again being considered in a disproportionate northerly direction without due consideration of east / west locations?

Where are buyers of the new properties going to work? Will they join the thousands of others already commuting to cities? They won't spend their money here as we have no decent shops and the development will not benefit existing retail businesses.

Is there a need for the houses? The Local Plan has a significant number of houses to be built by 2036, but they don't all need to be built now.

Highways

Would like to know the road layout of the site.

Who has determined the peak times used for traffic flows in the data? From personal observations, the peak traffic flow appears to be beginning at 15:30 when the schools finish. Combined with employment shift change overs increase the traffic across the town, in addition to commuters. The peak should therefore be widened. The houses proposed here will add to the traffic problems through additional school traffic and commuting.

Increased traffic cannot be accommodated by the current road system. The application was refused in 2014, with Council stating that no further homes could be considered until the relief road was provided. This cannot be overturned by fudging traffic data surveys.

Layout

Please advise where the social housing for the new development will be. It would not be appropriate for this to back onto the existing dwellings on Dickens Drive.

Comments from education haven't been taken on board regarding the siting of the primary school.

Excessive noise to be created by school children attending John Ferneley College and other pedestrians using the proposed pathway which will run along two boundaries of 28 Dickens Drive.

The proposed pathway to the linear parks area should be straight rather than turning along the rear garden of 28 Dickens Drive.

How will the redundant section of Nottingham Road be re-used? The masterplan highlights this area in green, however no other information is provided. To reduce air pollution this section should be planted. There is an opportunity to extend the existing vegetation running parallel to Winchester Drive, which will improve biodiversity. A revised masterplan should be submitted.

There is a road directed towards 40 Dickens Drive, headlights will shine into the back of the house.

There is a lack of green space backing onto Dickens Drive. There could be a change to the layout using the large space behind Darcy Gardens to give Dickens Drive more privacy.

Originally there was a balancing pond behind Dickens Drive, why has it moved?

Privacy & Amenity

Total loss of privacy for residents of 28 Dickens Drive

Visual intrusiveness for residents of 28 Dickens Drive

Developers should erect a brick wall to run alongside 28 Dickens Drive to prevent loss of privacy and visual intrusiveness to the rear garden of the property. This will help security too.

Hedgerow should be planted along the rear of 28 Dickens Drive to ensure privacy.

Proximity of the development to existing homes will compromise privacy and amenity. Planting will remove light which has been enjoyed for 20+ years.

Other Considerations

The pole mounted electricity transformer outside 12 Winchester Drive should be relocated to a more suitable location.

Will the electricity pole behind Dickens Drive be put under ground?

Appendix C: Recommended 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 to be confirmed) and the development to which this permission relates shall begin no 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. Except for the details of vehicular access into the application site from Nottingham Road, details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

2. The development hereby approved shall be for no more than 290 dwellings in addition to a local centre comprising 200m² GEA for Class A1, A2, A3 and A4 uses, up to 250m² GEA Class B1 business floorspace, a Class D1 one-form primary school, open space and associated infrastructure.
3. Should the first reserved matters application be for two or more phases of development, prior to the submission for any applications for reserved matters, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall provide the sequence and timing of development across the site, including:
 - a) The provision of all major infrastructure, including accesses, roads, footpaths and cycleways;
 - b) Residential dwellings (including affordable units);
 - c) Public open space, including a Local Equipped Area for Play (LEAP);
 - d) Primary School;
 - e) Local Centre;
 - f) Surface Water Drainage

The development, and the release of dwellings for occupation, shall not be carried out other than in accordance with the approved Phasing Plan.

4. No reserved matters application(s) shall be made until such time as a Design Code for the entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement. All subsequently submitted reserved matters applications shall accord with the agreed Design Code.
5. No development shall take place on any phase of the development until a scheme for the provision of affordable housing as part of the phase concerned has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:
 - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both

- v) first and subsequent occupiers of the affordable housing; and
 v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The development hereby approved shall consist of a housing mix that is fully compliant with the Council's adopted plan. The development shall provide for an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough, including extra care and accessible housing having regard to the latest evidence of housing need.

7. No development shall take place until a scheme for the provision of open space, including play areas, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the play areas and a timetable for its provision, in accordance with the following table:

Open Space Typology	Standard (ha/1000 population)	Requirement (ha) for 18/00359/OUT (based on 2.4 occupants/dwelling)
Parks and Gardens	1.92	1.34
Natural and semi-natural greenspace	1.38	1.14
Amenity greenspace	0.77	0.54
Provision for children and young people	0.13	0.09
Allotments	0.38	0.26
Playing Pitches	Requirement (ha/1000 population)	Requirement for this application
Football pitches	0.41	0.29

8. No work shall commence on site in respect of the local centre until such time as a scheme of mitigation of noise to existing and proposed dwellings has been submitted to and agreed in writing by the Local Planning Authority. The retail unit shall not be occupied at any time unless all agreed mitigation measures relevant to that dwelling have been implemented in full (and including in respect of any agreed limitations on externally located plant and machinery).

9. The local centre, comprising 200m² for class A1, A2, A3, A4 and A5 uses, and up to 250sqm GEA B1 business floor space shall be ready for occupation and actively marketed prior to the first occupation of the 200th dwelling on the site.

10. No part of the development hereby permitted shall be constructed above

damp proof course until such time as the access arrangements shown on Phil Jones Associates drawing number 2094-102, or superseding revised access arrangements which may be permitted as part of LCC application reference 2018/Reg3Ma/0182/LCC, have been implemented in full.

11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
12. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.
13. No development shall commence on site until a footpath management plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of any temporary diversion, fencing, surfacing, signing and a timetable for provision. The development shall be carried out in accordance with the agreed scheme and timetable.
14. The development hereby permitted shall not be occupied until such a time as the Public Footpath E17 has been provided in full with a 2 metre wide tarmac surface, with a minimum 1 metre grass verge on either side in accordance with the County Council's Guidance Notes for Developers, which are incorporated within the Leicestershire Highways Design Guide.
15. No phase of the development approved by this planning permission shall take place until such time as a surface water drainage scheme relating to that phase has been submitted to, and approved in writing by, the Local Planning Authority.
16. No phase of the 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 phase concerned has been submitted to, and approved in writing by, the Local Planning Authority.
17. No phase of 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 phase concerned have been submitted to, and approved in writing by, the Local Planning Authority.
18. No phase of the development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element within the phase concerned, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

19. No development of any phase of the development shall take place until a programme of archaeological work, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing relating to that phase. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the site analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
20. No demolition/development shall take place other than in accordance with the Written Scheme(s) of Investigation approved under condition 19.
21. No phase of the development shall not be occupied until the site investigation and post investigation assessment related to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
22. A detailed Great Crested Newt Strategy and Bat Mitigation Strategy for the whole site is to be submitted with the first reserved matters application, informed by additional surveys where appropriate.
23. A Biodiversity Management Plan shall be submitted with the first and each subsequent reserved matters application. Landscaping, particularly areas of open space and the green SuDs corridors throughout the site shall be in accordance with the Biodiversity Management Plans, and the layout of the development must include a green corridor with a minimum width of 5 metres to the east and south of the site.
24. All hedgerows on site shall be buffered with a minimum of 5 metres semi-natural vegetation from plot boundaries. Green corridors should be linked by utilising these buffers, in an effort to ensure that badgers can move along the edge of the development and access all areas of open space.
25. All works shall be in accordance with the recommendations in the Breeding Bird Report (Just Ecology Environmental Consultancy Ltd, March 2017) including the replacement of suitable bird boxes.
26. A suitable corridor for badgers shall be provided between Sysonby Lodge and the proposed badger tunnel under the Melton Mowbray Distributor Road. The corridor shall be of sufficient width, recommended as a minimum of 15 metres, which can include some of the landscaping associated with the

Appendix D : Applicable Development Plan Policies

Local Plan

- SS1 - Presumption in Favour of Sustainable Development.
- SS2 - Development Strategy.
- SS5 - Melton North Sustainable Neighbourhood
 - Housing (C2, C3, C8)
 - Employment
 - Community Facilities (schools, local centre)
 - Transport
 - Environment
 - Master planning and delivery
- C2 - Housing Mix
- C3 - National Space Standard and Smaller Dwellings
- C8 - Self Build and Custom Build Housing
- EN1 - Landscape
- EN2 - Biodiversity and Geodiversity
- EN4 - Areas of Separation
- EN7 – Open Space, Sport and Recreation
- EN8 - Climate Change
- D1 - Raising the Standard of Design.



Planning Committee

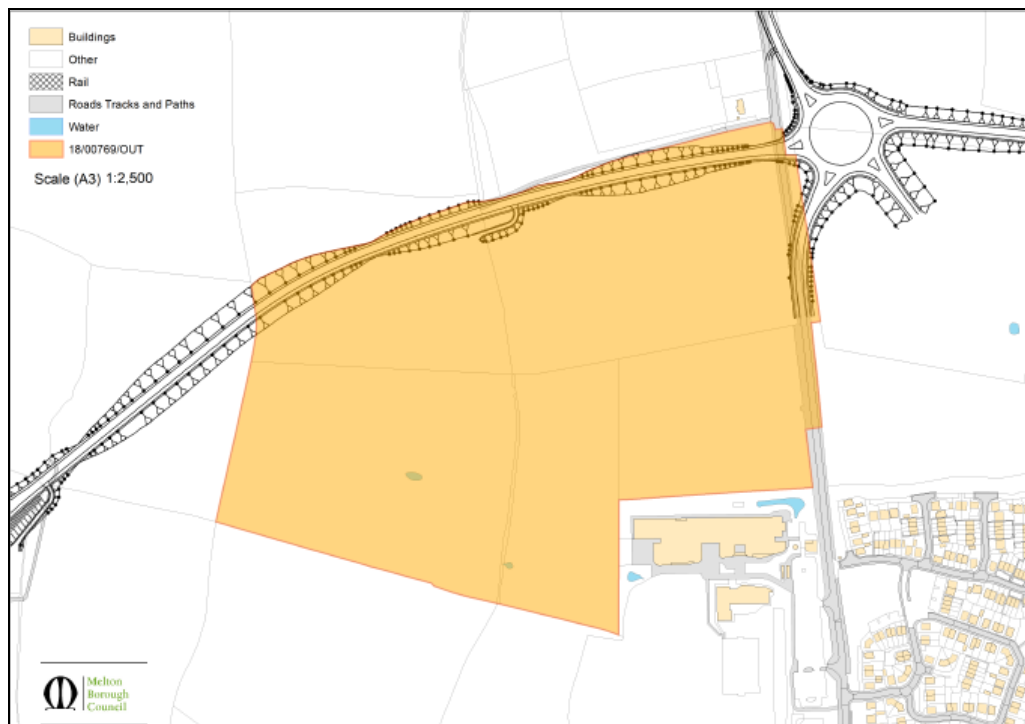
1st August 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

18/00769/OUT, Land North John Ferneley College, Scaford Road Melton Mowbray (Melton North Sustainable Neighbourhood)

Outline planning application for residential development (Class C3), public open space, children's play facilities and associated infrastructure, with all matters reserved except access to the site.

1. Summary:



The application site comprises 19.84 hectares of agricultural land which is at present divided into 4 field parcels, which are enclosed by fencing and hedgerows with some trees. The site has a varied topography, with the eastern part closest to Scaford Road being reasonably flat, however the land falls away to the south and west towards the valley between Nottingham Road and Scaford Road. It is situated to the west of Scaford Road, bound by Scaford Road along its eastern boundary, and to the north and west by farmland. In the south east corner is John Ferneley College. The land to the west forms the area for the adjacent / linked planning application

(18/00369/OUT) submitted by Leicestershire County Council.

The site will be bound to the north by the recently approved Melton Mowbray Distributor Road (MMDR) (Leicestershire County Council ref [2018/Reg3Ma/0182/LCC](#)), the line of which has been shown on the above map. Construction of the MMDR is due to commence in 2020, with a build time of c.18 months. Roundabout 2 of MMDR will be to the north east corner of the site, which will link into Salford Road. A new roundabout south of this will be provided to give access to this site, and forms part of this application. Further to the south, the site adjoins an established residential area. A second point of access is proposed as a spine road running through the site, into the adjacent site to the west which is being considered under reference 18/00369/OUT submitted by Leicestershire County Council.

Land for the construction of the MMDR is within this application site and is proposed to be transferred to the County Council for the road to be built without the requirement for a Compulsory Purchase Order (CPO).

The site does not form part of a Conservation Area, nor does it have any other statutory designation (AONB, SSSI etc.)

2: Recommendations:

Permit subject to:

- (i) Completion a S.106 agreement making for:
 - Affordable housing provision;
 - NHS / CCG contribution;
 - Education contribution (including the land for the expansion of John Ferneley College);
 - Libraries contribution;
 - Civic amenities contribution;
 - Open Spaces;
 - Country Park – upgraded pathway
 - Land for the provision of the MMDR
- (ii) Conditions as set out in Appendix C

3: Reasons for Recommendation:

The application site is allocated for housing and associated development as part of the Melton Mowbray North Sustainable Neighbourhood (NSN), covering a large swathe of farmland to the north of the town between Nottingham Road in the north

west and Melton Spinney Road in the north east. The proposal has been submitted for outline with access for approval. All other matters are reserved and are to be determined in a separate, future reserved matters application.

Issues regarding access, archaeology, ecology, and drainage have been satisfactorily addressed. Conditions recommended on this application will ensure that the development is delivered and will achieve the standards required to conform to the adopted policies.

As such, the proposal is considered to comply with the Local Plan policies referred to below and principles of the NPPF, subject to the satisfactory completion of a S106 agreement.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee due to the strategic importance of the site.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **The site forms part of the Local Plan housing allocation ‘Melton Mowbray North Sustainable Neighbourhood’ with 1500 homes due to be provided by 2036, as part of a total allocation of a minimum of 1700 homes.**
- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of the Development & Policy Compliance, specifically whether the application should be determined in advance of the production of an agreed masterplan for the Melton North Sustainable Neighbourhood by the Borough Council;
- Highways Safety and the MMDR / Transport Strategy
- Education;
- Footpaths / PROW
- Ecology
- Archaeology;

- Flood Risk / Drainage
- Housing Mix / Affordable Housing;
- Impact upon the character of the area;
- Impact upon residential amenities;
- Layout

5: Report Detail:

5.1 Principle of Development & Policy Compliance

The principle of development is established in the adopted Local Plan as it is allocated within the Melton North Sustainable Neighbourhood (NSN), subject to compliance to the policies within the overarching policy SS5.

The matter for determination before committee is, as highlighted above, whether the application sufficiently satisfies the requirements of policy SS5 so as to proceed in advance of an agreed master plan (currently under development by Melton Borough Council). The wording of the policy in regards to the masterplan is as follows:

Masterplanning and delivery

A master plan, including a phasing and delivery plan, should be prepared and agreed in advance of, or as part of, submission of a planning application for the Melton North Sustainable Neighbourhood (MNSN). In order to achieve a comprehensive approach, the master plan should be prepared for the whole MNSN. It will set out in detail the structure, and development concepts of the MNSN to include:

m1: The amount, distribution and location of proposed land uses alongside a timetable for their delivery;

m2: Proposed key transport links, within and outside of the development, including those between the main housing and local centre, town centre and nearby employment used, services and facilities;

m3: Important environmental features, including high grade agricultural land, biodiversity sites and heritage assets that are to be protected;

m4: Areas of green infrastructure and green space (including important strategic green gaps to be protected);

m5: Areas of new landscaping: and

m6: Design which performs well against BfL12 and seeks to develop the principles of 'Active Design', in accordance with Policy D1.

The MNSN master plan will be prepared in consultation with key stakeholders. Planning permission will not normally be granted for the NSN until a comprehensive master plan has been completed to the satisfaction of the Local Planning Authority.

(Underline added for the purposes of this report)

It is considered that the final sentence here is the most important in terms of establishing whether this application can be determined in advance of the completion of the master plan. The policy does not require that the master plan must be completed before the grant of any permission, but states that it will not normally be granted in the absence of the master plan.

The applicant has submitted their own master plan, in conjunction with the site directly to the west which is subject of planning application 18/00369/OUT submitted by Leicestershire County Council.

The masterplanning of the two Sustainable Neighbourhoods is being undertaken by the Borough Council through its appointed consultants, One Environment Ltd and is due to complete in late summer / early autumn 2019. The master plans will form a Supplementary Planning Document (SPD) that all development within the two Sustainable Neighbourhoods will be expected to accord with. This work commenced following the adoption of the Local Plan in October 2018, once it became apparent that the consortium of developers in the north of the town were not working together to produce their own master plan, despite assurances to the contrary at the Local Plan Examination.

The master plan submitted by the applicant demonstrates that in addition to the proposed housing development of up to 400 dwellings, the land for the future extension of John Ferneley College of 1.22ha (approx. 200 places) can also be provided on this site. There would be a link road through to the County Council's site to the west to provide a well connected site. The need for the land for the extension of John Ferneley College has been accepted by the LEA as indicated on the latest site plan submitted by Richborough Estates.

The location of other strategic infrastructure as contained within policy SS5 will be informed by the master plan. Items such as the local centre to serve the whole neighbourhood, extra care facilities, allotments, playing pitches and self-build plots for instance. In particular, allotments and playing pitches will require a parcel of land to be provided in one, or possibly two places, rather than each parcel of land / or individual developer making their own provision within their own site.

Additionally, the work being undertaken by the Masterplan is suggesting that for certainty, the self-build / custom build element (as per policy C8) is provided in one area of the MNSN. Developers in both SN's have raised concerns with regards to this policy as to how it would be delivered and managed practically on site with their build programs. Therefore, allocating a specific area for all of the self-build plots (c. plots for 85 dwellings) would seem to be a suitable response to these concerns.

This site only provides land for the extension of John Ferneley College, and none of the other strategic infrastructure required to serve the MNSN fully to create a truly 'Sustainable Neighbourhood'. The land for the extension of John Ferneley College is however fairly fundamental to the success of the MNSN.

That is not to say that when the Masterplan is complete that any of the additional strategic infrastructure will fall to this site to deliver it, however at this point the

Council is not in a position to confidently state that it will not.

Additionally, the work being undertaken by the Masterplan is suggesting that for certainty, the self-build / custom build element (as per policy C8) is provided in one area of the MNSN. Developers in both SN's have raised concerns with regards to this policy as to how it would be delivered and managed practically on site with their build programs. Therefore, allocating a specific area for all of the self-build plots (c. plots for 85 dwellings) would seem to be a suitable response to these concerns.

Therefore, Members will need to assess the offer being put forward by this application against the requirements of the policy, and make a judgement as to whether the determination of this application prior to the completion of the Masterplan will undermine or prejudice the overall strategic ambitions and delivery of the wider MNSN.

Uncertainty remains regarding the wider configuration of the various component parts of the northern SN, which is why a judgement needs to be made on this (and the neighbouring) application site. However, on the basis of the information received to date, it is considered that the application will not prejudice the delivery of the wider SN because it makes sufficient provision for the key components of infrastructure to meet its own demands and will make a significant contribution toward facilitation of the wider SN.

5.2 Highways Safety and the MMDR / Transport Strategy

The Local Highway Authority has been consulted on the application, and subject to conditions and contributions (towards the MMDR, other highway improvements and public transport), the impacts of the development are not considered severe in accordance with the NPPF paragraph 109.

Contributions are requested towards the Melton Transport Strategy at £8653 per dwelling, in addition to a bus route serving the site, travel packs and bus passes for residents, a traffic calming scheme on The Crescent and SCOOT validation of certain junctions in Melton.

This proposal offers some of the land for the provision of the MMDR to the north of it, which can be transferred into the ownership of the Local Highway Authority when the S106 is signed. This will prevent the County Council needing to seek a Compulsory Purchase Order for the land.

Details regarding the internal road layout, parking and turning facilities will be dealt with at the reserved matters.

The Local Highway Authority has no objections to the proposal, and subject to the imposition of conditions and contributions to mitigate the impact of the proposal it is not considered that the proposal will be detrimental to the safe and satisfactory function of the highway network.

The MMDR has planning permission and is now in the final stages leading towards construction commencing. It is highly likely that the MMDR will be delivered, or will be close to being opened by the time homes are being

delivered on this site. The S106 agreement can also be used to ensure that the land for the delivery of the MMDR along this stretch is protected, and passed into the ownership of the County Council. This will prevent the use of Compulsory Purchase Powers and ensure the delivery of the MMDR.

5.3 Education & Other Infrastructure

A significant amount of work has been undertaken in conjunction with the Local Education Authority (LEA) to determine an education strategy to meet the demands of the substantial amount of housing development proposed in and around Melton Mowbray by the adopted Local Plan. Whilst the full comments of the LEA are found below at Appendix A, the strategy is to ensure that all developments coming forward in the area contribute towards the education infrastructure required to support the level of development coming forwards.

In Melton Mowbray, this will require the provision of four new primary schools (two in the north, two in the south), an extension to John Ferneley College (land for this offered by this application), and a new 625 secondary school, the location of which is yet to be determined, but is likely to be in the south of the town.

Contributions have been calculated for developments in the town to include all of the above, in addition to extra places at primary and secondary special schools, and post-16 education. Developments that come forward in the villages will not be expected to contribute towards primary education in the town as this will be required in the relevant village, but where they are in the catchment for Melton Mowbray for all other types of education they will contribute towards its provision. This has resulted in a **final calculation per dwelling of £12,422.26**. As this application is offering land for the extension to John Ferneley College at 1.22ha to create an additional 200 places, the total contribution has been reduced by £741,000 to offset the 'value' of the land being provided. The education contribution requested is therefore **£4,064,884.00** which the applicant has agreed.

It is important to note here the interdependencies between this application site, and the neighbouring site promoted by Leicestershire County Council (18/00369/OUT) that the contribution strategy also seeks to address by applying a 'per dwelling' contribution.. For context, there are very few available primary places in Melton that can meet the demands that this application will put on the provision. The same can be said for secondary education. Therefore, this site requires the provision of the primary school to cope with the children that it will generate (in addition to the land for the extension to John Ferneley College that it is providing), and the Leicestershire County Council site requires the land for the extension to John Ferneley College that this site will provide.

Therefore, the LEA has agreed that it will be responsible for the provision of the extension to John Ferneley College when required and /or when funding is in place, having set triggers for payment based on occupations, rather than restricting occupation (10% on first occupation, 70% on 50% occupations and the remaining 20% on 75% occupations. All of the contributions will be payable by the time that 75% of the development has been occupied (i.e. 217 dwellings).

The remaining risk from this approach is that if higher housing numbers are delivered across the Northern Sustainable Neighbourhood than envisaged as a minimum within the Local Plan (1,700). The provision of a single form entry school at the neighbouring site, without the ability for it to expand (it would be landlocked), could result in an under-provision, leaving the eastern portion of the NSN to build a larger, three form entry primary school. The LEA are aware of this, and have not requested that additional land is made available for a potential expansion of this school in future (i.e. an additional 1 hectare of land), therefore it cannot be reasonably requested of the applicant.

It is therefore considered that the proposal can provide the education infrastructure required to meet the needs of future residents, and the LEA have no objection to the proposal.

Most recently, the NHS / CCG have also updated their requests for contributions towards primary care facilities in the town. The figure that they have requested (£251,852.88) is based on the cost of the provision of new facilities for new patients generated by the development. Whilst they have yet to determine exactly where this facility will be provided (they will be making a decision mid-August), their request is considered reasonable and justified, based on the available evidence. It is likely that the new facilities will either be provided at the existing premises in the town centre, or at a new site in one or both of the SN's or elsewhere. Nevertheless, the cost of provision will be the same based on the best known evidence. The applicant has agreed to this request.

5.4 Footpaths / PROW

The proposal as submitted includes provision for Public Footpath E17 on its existing line through a recreational corridor which is to be created within the development. This path will be key as a non-motorised link between the proposed development and existing amenities located off site, and also an important gateway to the recreational network of footpaths around Melton.

Although the footpath will lose its rural character for the length of the development, the provision for the retention of the footpath will reduce the impact, and therefore the PROW officer has no objections to the proposal in principle. However, there are details which will need to be considered at the reserved matters stage and therefore conditions are recommended relating to the PROW.

The PROW Officer has no objections to the proposal subject to the imposition of conditions

5.5 Ecology

A number of ecological surveys were submitted in support of the planning application relating to bats, breeding birds, badgers and great crested newts. Following the submission of a Great Crested Newt Mitigation Strategy (Tyler Grange, undated) outlining the principle of mitigation that will be required during the development, the ecology team consider that the strategy is acceptable and welcome the general principles.

Ecology has advised that, subject to conditions they have no objections to the development. Conditions include recommendations within the surveys, the submission of mitigation strategies at reserved matters, the retention of hedgerows on site with buffers of semi-natural vegetation, biodiversity enhancements and updated protected species surveys at reserved matters.

Overall, it is considered the ecological interests of the site and immediate surroundings will be adequately safeguarded by the proposed conditions and mitigation. In addition to the retention of hedgerows and biodiversity enhancement which will be ensured at the reserved matters stage.

5.6 Archaeology

The Written Scheme of Investigation was approved in September 2018 and the applicant commissioned a small mitigation excavation and completed the fieldwork satisfactorily in winter 2018/19. The only outstanding issue is the deposition of the project archive, however the results were limited and therefore it doesn't require a planning condition.

On that basis, no further archaeological work is required. The developer's report submitted in response to the development proposals satisfactorily investigated the application area and recorded the existing ridge and furrow earthworks. A small zone of targeted excavation was undertaken adequately and revealed a single gully suggesting an area of archaeological interest that appears to lie at and beyond the western edge of the present site.

5.7 Flood Risk / Drainage

The proposal has been subject to consultation with the LLFA who raise no objection. Conditions can be imposed to ensure the drainage strategy is satisfactory (including surface water, SuDS and infiltration testing) and implemented.

Severn Trent Water were also consulted, however they did not respond to the consultation. The Environment Agency did not provide comment as the proposal is in Flood Zone 1.

5.8 Housing Mix / Affordable Housing

The application proposes up to 400 dwellings, with 15% (60no. dwellings) being affordable, in accordance with policy SS5. A proposed housing mix has not been submitted, therefore a condition requiring the development to provide a housing mix compliant with the Council's adopted policy and most recent evidence would be placed upon any condition granted (as per policy C2, and Table 8 of the Development Plan).

In an attempt to address the concerns that the proposal is coming forward for determination prior to the adoption of the wider masterplan (in terms of where other facilities are going to be provided, such as extra care), the applicant has offered that as part of the affordable housing (10%) could be made available for the elderly. This could be written into the cascade to give first priority to the elderly and the cascade

down to those with physical mobility problems and then to other households. The Registered Provider can draft the cascade to this effect.

It is considered the proposal can provide an acceptable housing mix in terms of size, type and tenure and a policy compliant level of affordable housing provision, subject to an appropriately worded condition.

5.9 Impact upon the character of the area

The application represents fulfilment of the strategy for the growth of the town, as proposed within the adopted Local Plan. Delivery of the strategy as promoted within the Local Plan will also help to ensure that other areas that are not allocated will not be under pressure from development.

The delivery of the MMDR is the key to the wider strategy for the delivery of the Melton Local Plan, underpinning the infrastructure delivery element which is essential to the growth of the town. Without the MMDR, all growth in Melton Mowbray would be strictly constrained due to the severe impact upon traffic and congestion in the town. The MMDR will provide this relief, allowing the town to grow in a planned, sustainable manner, in accordance with the adopted Local Plan.

Submitted with the application is an illustrative masterplan, however as the application is for outline with only the access for determination at this point, the layout will be for consideration at the reserved matters stage.

There will be an inevitable loss of open countryside as a result of the proposed development, however when coupled with the introduction of the (now approved) MMDR road to the north, there will be a substantial change to the overall character and appearance of the area, which will become more 'urbanised'. The application represents fulfilment of the strategy for the growth of the town, as proposed within the adopted Local Plan. Delivery of the strategy as promoted within the Local Plan will also help to ensure that other areas that are not allocated will not be under pressure from development.

There are measures that can be incorporated into the future design of the scheme, to mitigate the impacts on the character and openness of the surrounding landscape. A high degree of soft landscaping and open spaces within the development can ensure that the perception of the development is considerate of the wider rural landscape, particularly to the north.

It is considered the proposal can achieve a high standard of design and layout, in compliance with Policy D1, to be determined at the reserved matters stage should this application be successful

5.10 Impact on residential amenity

As the application is in outline with only the access for approval at this stage, the impact upon individual residential properties cannot be assessed. As stated above, an illustrative masterplan has been submitted, however this is for illustrative purposes only and the layout and design of individual dwellings are reserved

matters.

It is considered that a suitable design can be achieved in future to ensure minimal impact upon the residential amenities of neighbouring dwellings, to satisfy the requirements of policy D1.

5.11 Layout

Whilst layout is not a matter for determination within this outline application, an illustrative masterplan has been provided, showing the provision of a number of elements of infrastructure across this site and the adjacent Leicestershire County Council site (18/00359/OUT). This site however will only provide land for the extension to John Ferneley College (1.22ha) has discussed above in the 'education' section.

No issues have been raised by local residents with regards to layout.

Consultation & Feedback

Site notices were posted, the application was advertised in the local press and neighbouring properties were advised by letter, and advised of further amendments.

As a result no representations were received.

Financial Implications:

A S.106 agreement has been requested making contributions as set out in the report above for:

- Education Contribution: **£4,064,884**
- Highways Contribution: **£3,461,200** (£8653 per plot for strategic road improvements)
- Highways Contribution: **£750,000** (Bus service, total between this site and 18/00359/OUT)
- Highways Contributions: **£6,000** (SCOOT Validation), **£6,000** (Travel Plan Monitoring), **£7,500** (amending speed limit on Scalford Road), **£294,979.92** towards a scheme to deter rat-running on The Crescent, Construction Traffic Routing Agreement, Travel Packs and Bus Passes, unfettered access to the land immediately south/west
- Civic Amenity Contribution: **£33,064.00**
- Libraries Contribution: (per house based on size of house)
- NHS (Latham House, CCG): **£251,852.88**
- Affordable Housing: 15% across the site, split 80% social rented, 20% other types of affordable housing.
- Employment and training opportunities

- Open Space, Sport and Recreation in accordance with policy EN7
- Upgrading 150 metres of paths at Melton Country Park - **£25,000**
- **Transfer of land for the provision of the MMDR**

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. It is considered that the requests meet with the requirements of the Regulations.

Background Papers:

- Planning Application File [2018/Reg3Ma/0182/LCC](#) for the Melton Mowbray Distributor Road (MMDR), now permitted.

Appendices:

A: Consultation responses
 B: Representations received
 C: Recommended conditions
 D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

20th July 2019

Report Author: Mrs Sarah Legge, Lead Planning Officer, Development Management

☎: 01664 502380

Appendix A : Consultation replies

LCC Highway Authority (Summarised)

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019),

subject to the conditions and/or planning obligations outlined in the report.

The most recent advice to the LPA (dated 14th June 2019) deals with the applicants request to remove the provision of a left in / left out access onto the MMDR, in addition to a proposed scheme to deter rat-running along The Crescent. The left in / left out was dealt with by condition 2 of the LHA's previous observations (dated 8th February 2019); with the scheme to deter rat running as condition 3.

Site Access

An updated Transport Assessment (TA) dated 29th May 2019 was submitted outlining the applicants wish for the requirement of a secondary point of access onto the MMDR to be removed.

The LHA previously advised that the left in/ left out access on to the MMDR be provided prior to occupation of the 300th dwelling. This would form a secondary point of access to the development, however it is acknowledged by the LHA that the second point of access would depend on the construction/ delivery of the MMDR and the precise construction timescale of the access could vary. The MMDR was granted planning permission subject to conditions on 23rd May 2019 (application reference 2018/Reg3Ma/0182/LCC) and the approved drawings for that application do not include a left in/ left out access to this development.

The Applicant has advised that the analysis presented in the original Transport Assessment excluded the direct access off the MMDR and presented junction capacity results on the basis that all traffic flows associated with the development (400 dwellings) utilised the proposed Scaford Road roundabout to access the site. The original capacity assessments and Stage 1 Road Safety Audit (RSA) for the roundabout access have been included as part of the TAA. The capacity assessments and RSA have previously been accepted by the LHA and it is acknowledged that the capacity assessment of the roundabout access included the full development as part of this application.

The Applicant has also made reference to a sensitivity test which was undertaken as part of the original Transport Assessment work, whereby consideration has been given to up to 900 dwellings being accessed off the site access roundabout. This assessment makes an allowance for a fourth arm off the roundabout to include development off land to the east of Scaford Road. The LHA would advise that this is irrelevant to this application as any proposals which come forward to the east of Scaford Road would need to be assessed on their own merits at the time of application.

It has also been stated in the TAA that the analysis presented within the Transport Assessment is on the basis of 400 dwellings or the worst case scenario, as in reality the number of dwellings which come forward as part of the development is likely to be lower. The LHA advises that as 400 dwellings have been applied for, it must assess the application on the basis that the full 400 dwellings will be built out and ensure that access to the site is appropriate to cater for this level of development.

The roundabout access is in line with a 'major residential access road', measuring 6.75 metres wide which is capable of accommodating public transport. The access

road would also continue to form a 6.75 metre wide spine road through the development and connect to the adjacent Leicestershire County Council site, which is accessed off Nottingham Road. The Applicants for both this and the LCC site have stated their intention to link the sites via the spine road. The Applicant has also stated that the left in/ left out access would not currently be compatible with the MMDR design and would require additional acceleration and deceleration lanes on to the MMDR. It is stated the left in/ left out access could not be operational until completion of the MMDR, at which point there would already be an east/ west link between Nottingham Road and Scalford Road if the access to the LCC site was not available.

On the basis of the above, given a left in/ left out access has not been included as part of the approved MMDR application, it is accepted by the LHA that the secondary access would not be compatible with the now approved MMDR design. The fact a 6.75 metre wide access is being provided at the roundabout access on to Scalford Road, which is above the minimum 5.5 metre width required to serve 400 dwellings is also accepted. It is also accepted the Applicants for both this and the LCC development have agreed to link the sites via the internal spine road, however LHA considers it could not be guaranteed that both sites would be granted planning permission by the LPA and both sites be progressed through reserved matters and built out by each individual applicant at the same time in order for the link to be provided. It is also possible however for the development to be completed prior to the completion of the MMDR route, thus resulting in a single point of access until the MMDR is complete. Given the scale of the development a secondary point of access which can cater for the level of traffic generated should a traffic accident occur, or major road works be necessary at the roundabout access for example should be considered.

On balance, the LHA considers removal of the secondary point of access from the development to the MMDR development is acceptable. This is on the basis that there is intention to link the site to the neighbouring LCC development, which is allocated in the Melton Local Plan, the capacity assessments of the roundabout access which have already been undertaken by the Applicant in relation to this development and to avoid additional works on the MMDR design.

The LHA would emphasise to the LPA that it would wish for the development spine road to be constructed at the earliest opportunity and that connection through to the LCC site, if permitted, is vital for public transport and connectivity links between the two sites. The LHA would look to secure the early phasing of the spine road at the reserved matters stage.

Off-Site Implications

As per the correspondence between the LHA and LPA dated 18 March 2019, the Applicant requested that Condition 3 relating to a scheme to deter rat running along The Crescent is dealt with as a S106 planning obligation and that a financial contribution towards the design, delivery and cost of the TRO process by the LHA is made.

The LHA advised it would be open to receiving a contribution towards the design/

consultation and delivery of a scheme as opposed to the advised Condition. Following the 18 March correspondence, the Applicant has been liaising with the LPA and PJA drawing number 0101 Rev P3 detailed in Appendix C of the submitted Technical Note has been agreed as an appropriate scheme to deter rat running along The Crescent. The scheme involves installing speed cushions at two points along The Crescent and speed tables at the junctions of The Crescent/ Cedar Drive and The Crescent/ Hawthorn Drive. The Applicant has also submitted their own cost estimate for the scheme, which they have valued at £38,561.31.

Leicestershire Highways has undertaken its own full cost estimate for the scheme as if it was to undertake the full extent of the works and values the cost of the works at £294,979.92. This includes consultation, Traffic Regulation Orders/ advertising, detailed design and traffic management during construction for example.

The LHA therefore advises that the sum of £294,979.92 would be requested as part of the S106 agreement.

The LHA advised the same condition to deter rat running as part of its observations for the neighbouring LCC application, which were dated 11 January 2019. The LHA would accept a similar obligation for a contribution towards a scheme to deter rat running as part of this application. The total costs of the works would be as per above and both applicants would be required to liaise with each other regarding how this is paid. Upon completion of the scheme, if the contribution has not been fully spent, the remaining balance would be returned.

The LHA would advise that the scheme shown on PJA drawing number 0101 Rev P3 would be subject to detailed design, public consultation and any revisions.

Transport Sustainability

As per the correspondence between the LHA and LPA dated 18 March 2019, the LHA are open to receiving a contribution as an alternative to the provision of a service. The LHA consider that the provision of a single vehicle resource would cost up to £150,000 (index linked) per year, triggered at 25% occupancy, therefore over a period of five years would cost £750,000. This would be used to provide a link from the development to Melton town centre which would be integrated in to the Melton public transport network at the prevailing time.

The Spine Road would need to be completed up to the site boundary and connected to the LCC site at the earliest opportunity. A turning point (temporary or otherwise) within the development would be required if the spine road was not completed. The developer would also need to provide permission for buses to use the roads within the development before they are formally adopted by the LHA, as well as the roads to be served by a bus service to be built up to a suitable surface in time for a bus service to be operational and avoiding the prospect of raised ironworks etc.

The following text is extracted from the LHA's comments received on 8th February 2019, which deal with the impacts of the development on the network, and were provided prior to the approval / grant of planning permission for the MMDR and subsequent approval of the removal of the left in / left out provision for this site.

Background

Following the previous observations submitted by the Local Highway Authority (LHA) to the Local Planning Authority (LPA) on 04 January 2019, the Applicant has submitted a Stage 1 Road Safety Audit (RSA), designers response and vehicle tracking. This has enabled the LHA to assess the site access in more detail, as discussed later in this report.

By way of background, Melton Borough Council planning application reference 14/00519/OUT for up to 225 dwellings with all matters other than access reserved was submitted for this site in 2014. The submitted Transport Assessment concluded at the time that the impact on the highway from the development was not severe. However the LHA disagreed with this view and advised refusal in March 2015, but also advised that the LPA may wish to consider results from the emerging Melton Transport Study, which may have allowed the LHA to provide a more positive response.

Melton Borough Council subsequently refused the application on highways grounds in April 2015.

Melton Mowbray Cumulative Development Impact Study

The LHA and the LPA completed the Melton Mowbray Cumulative Development Impact Study in October 2014 which used the Leicester and Leicestershire Integrated Transport Model ([LLITM]). LLITM is a computer-based programme, which can be used to predict what could happen if changes are made to the road or transport network in Leicester and Leicestershire. LLITM was used 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 and included both the Richborough and neighbouring live Leicestershire County Council application site (18/00359/OUT) for up to 290 dwellings, a two form entry primary school and a local centre. Further information on the results from this study can be found at http://www.melton.gov.uk/downloads/file/2154/Melton_Mowbray_transport_and_new_development_position_statement.

The baseline year for the Study was 2011 and hence it considered all developments completed up to 2011. A validation exercise was also undertaken which concluded that 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 normally addressed through the Transport Assessments submitted with individual planning applications.

At 85% volume/capacity in LLITM the performance of the link or junction is likely to be significantly impeded as the practical capacity has been exceeded. This will be evidenced by queuing and delays and the LHA may seek a suitable mitigation scheme.

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 Strategy

In February 2015 the LHA and LPA released a 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. The joint statement can be found at

http://www.melton.gov.uk/downloads/file/2154/Melton_Mowbray_transport_and_new_development_position_statement.

Following on from the work highlighted above, the LHA in association with the LPA has taken a holistic approach to future growth in Melton Mowbray which looks to work with developers in partnership to deliver the Melton Mowbray Transport Strategy through Section 278 agreements between the LHA and developers. Crucially, the study work undertaken for this concluded that the current highway network in Melton Mowbray has reached capacity and that significant new highway capacity in the form of an outer distributor road will be needed to accommodate the additional development required in Melton Mowbray. It is therefore clear that a co-ordinated approach to transport mitigation will be required.

At its meeting on 11th September 2015, the County Council’s 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) now referred to as the Melton Mowbray Distributor Road (MMDR) on the condition that such developments were contributing to the delivery of the MMDR and the emerging wider Melton Mowbray Transport Strategy.

Melton Mowbray Distributor Road

The overall Melton Mowbray Distributor Road (MMDR) comprises:-

- A ‘Northern Distributor Road’ (NDR) linking the A606 Nottingham Road to Melton Spinney Road;
- An ‘Eastern Distributor Road’ (EDR) linking Melton Spinney Road to the A606

Burton Road; and,

- A 'Southern Distributor Road' (SDR) linking the A606 Burton Road to the A607 Leicester Road.

In November 2016, the Government announced that the LHA and LPA would receive £2.8m to fund the creation of an outline business case for the Northern and Eastern Distributor roads. This funding has enabled the LHA and LPA to develop more detailed proposals for these sections of the MMDR. These proposals were submitted to the Department for Transport (DfT) in December 2017. In May 2018, the DfT announced the award of £49.5m in government funding to deliver the scheme and it is anticipated that construction will start in summer 2020 and conclude by the end of 2022 in line with the outline business case timeframes. In line with the agreed approach outlined above, other developments will be expected to contribute towards delivery of the MMDR.

LCC will be submitting a separate bid in partnership with Melton Borough Council and developers to the Housing Infrastructure Fund in March 2019 to deliver the southern section of the MMDR.

Site Access

As shown in Phil Jones Associates drawing number 0104 Rev F, the development site would be accessed via a new three arm roundabout off Scalford Road, a C class road which is currently subject to the national speed limit in this location.

The Applicant has advised that the roundabout has been designed so as not to preclude a fourth arm to serve land east of Scalford Road. Details of a fourth arm are shown on the submitted plans. While the principle of a fourth arm is accepted by the LHA, it cannot advise whether the roundabout would be of a suitable design to cater for any additional traffic generated by development to the east, as there is currently not a live planning application covering the site. As such, it is unknown what additional quantum of development a fourth arm would serve, or the type of vehicles. As part of any future planning application for land to the east of Scalford Road, the capacity, design and any mitigation measures for the roundabout would therefore need to be considered in detail by the applicant for that site.

The MMDR crosses Scalford Road immediately to the north of the application site. A five arm roundabout is proposed to link Scalford Road with the MMDR as well as a new access to serve development to the east of Scalford Road, the details of which as discussed above are currently unknown. An application for the northern and eastern sections of the MMDR, including full details of this roundabout has recently been submitted to Leicestershire County Council as the County Planning Authority (application reference 2018/Reg3Ma/0182/LCC) and is under determination.

The Applicant has also submitted Phil Jones Associates drawing number 0101 Rev F, which details how the site access would tie in with the MMDR roundabout should both applications be granted planning permission.

The Applicant proposes to reduce the national speed limit section of Scalford Road

to 40mph until north of the new roundabout/s where the speed limit would return to national. This is accepted by the LHA. If both this application and the MMDR application are granted planning permission, both applicants will need to liaise with each other with regards to the tie in details for the two roundabouts, as well as the construction timescales to minimise disruption on Scalford Road.

A secondary access in the form of a left in/ left out priority junction has been provided directly off the MMDR. 120 metre visibility splays have been detailed which are suitable for the 40mph design speed of the MMDR. Again, the Applicant will need to liaise with the Applicant for the MMDR in order to ensure that the detailed design and construction of this access ties in with the timescales for the MMDR construction. The LHA has advised this access should be provided prior to occupation of the 300th dwelling.

The LHA has undertaken preliminary design checks of both drawings and considers the layout and roundabout dimensions to be acceptable. Appropriate measures have also been put in place to mitigate risks raised by the Stage 1 RSA. Visibility splays and stopping site distances are considered to be sufficient.

At the detailed design stage, the vehicle tracking should also be done using a 16.5 metre articulated lorry and a DB32 Pantehnicon. An additional access point with a 6.75 metre wide carriageway will be provided at the boundary between this site and the neighbouring LCC development, which would take access from Nottingham Road. The internal spine road will be designed as a bus route and as previously advised, this is both welcomed and considered necessary by the LHA.

Highway Safety

The submitted TA Addendum assesses PIC data obtained from LCC between 01/03/13 and 05/05/18.

There have been a total of 49 PICs recorded within the study area, of which six were classed as serious and 43 as slight. No PICs have been recorded on Nottingham Road in the vicinity of the site access. All six serious PICs and a further 17 slight PICs involved pedestrians. The Applicant has summarised the PIC data by roads and indicated how many of the PICs involved pedestrians, cyclists or children as shown in the report. The Applicant has also summarised the PICs which occurred at junctions within the study area as shown in the report.

A total of 22 PIC's occurred at junctions within the study area. The table demonstrates that there have been no particular clusters or trends of PICs at any specific junction within the study area.

The LHA has checked its PIC database to discover if there have been any further PICs since submission of the updated data. An additional one PIC has occurred on Nottingham Road involving a right turning vehicle; however this was not at any of the junctions referenced above and did not involve cyclists, pedestrians or children. Overall, the LHA does not consider that the proposed development will exacerbate the existing situation and would not seek to resist the application on highway safety grounds.

Trip Generation

The Applicant has advised all travel demand calculations have been based on up to 800 dwellings across both the Richborough and LCC sites, split evenly between the two. While the quantum of development applied for as part of this development is for 400 dwellings, 290 dwellings were applied for as part of the LCC application. This results in a total of 690 dwellings across the two sites as a whole and an excess of 110 dwellings being assessed overall. The Applicant has advised this represents a worst-case scenario assessment. Trip rates were agreed with the LHA prior to the Applicant running LLITM.

Person trip rates for the development have been based on the agreed trip rates as part of the previous application. The vehicle trip rate for the dwellings has been based on the mode share from 2011 Census method of travel to work data for the Melton Sysonby Ward, with the data in the report.

It is noted that land has been allocated for an expansion to John Ferneley College within the red line boundary of this site, but this does not form part of either this or the LCC application, however it is understood this is likely to come forward as part of a separate application in the future.

External secondary school trips have therefore been included within the trip generation for this application, given that land is being allocated for such a proposal. Trip rates were based on the existing mode share data for John Ferneley College. The Applicant applied a 55% internalisation factor to the trips, which is consistent with applications to the south of Melton, in recognition that a high proportion of pupils are likely to attend the school from within the new development. External trip generation figures for the secondary school are available from Table 6.5 within the submitted TA. It should be noted that any proposals for the school which come forward in the future will need to be appropriately assessed as part of the application at the time.

For the Primary School, applied for as part of the LCC site, mode share data was not available from existing primary schools within the area and therefore the Applicant has used the secondary school trip rates and adjusted pro-rata on pupil numbers. At the time of modelling the development, the proposals included a one form entry (1FE) primary school as opposed to a two form entry (2FE). The trip generation for a 1FE primary school would result in 18 two way trips in the peak hour. The Applicant has advised 18 additional trips would be generated by a 2FE primary school and considered this negligible with regards to the overall traffic impact of the development.

Given the quantum of development assessed, the LHA accepts the omission of these trips. The LHA accepts that the local centre as part of the LCC site is likely to be utilised by new residents within the site. No external trips have been considered by the applicant as part of this element of the development.

The Applicant has assessed the future years of 2021 and 2031. While the Applicant would usually be expected to assess a minimum of five years after the year the

application was submitted, the Northern section of the MMDR between Nottingham Road and Scalford Road is anticipated to be open in 2022. Therefore it is necessary to assess the impact of the development on the surrounding highway network prior to its opening against the anticipated number of dwellings completed at that time.

The Applicant has indicated 160 dwellings would be complete within both the Richborough and LCC sites by 2021 equating to a total of 320 dwellings. The primary school, local centre, secondary school extension referenced above are all assumed not to have been built out. All vehicular traffic for the Richborough site would use Scalford Road, while all vehicular traffic for the LCC site would use Nottingham Road as the internal spine road and the MMDR would not be complete.

In 2031, both the Richborough and LCC developments are forecast to be complete. It should be noted that in 2031, the Applicant has assessed only the northern section of the MMDR between Nottingham Road and Scalford Road as being complete and the 2031 base year does not account for the MMDR being constructed.

When adding together the two way trips for the LCC site from tables 6.3 (trip generation for 400 dwellings) and 6.6 (Trip generation for the primary school) of the submitted TA, it can be seen in Table 6.7 (site generation) that there are an additional 25 two way trips in the AM peak and 17 two way trips in the PM peak contained within the 2031 LCC site figures, above those generated by the dwellings and the school. Paragraph 2.2.2 of the LLITM Review Technical Note contained Within Appendix H of the TA advises, *‘the development proposal used within the LLITM modelling included 1.9ha of B2 employment by 2031. This parcel of land has since been omitted from the proposals however is likely to come forward as a separate planning application in the future. Therefore, the trip generation used within modelling is considered to be conservative and remain robust within the 2031 scenario’*. This is considered acceptable to the LHA, however it should be noted that any development to come forward in the future will need to be appropriately assessed as part of that application at the time.

LLITM

LLITM v5.2 has been used to model the proposed development and associated network changes. Both the LCC and Richborough sites were included as new nodes and the quantum of development outlined above was included.

The LLITM model was run based on the access strategy at the time of commissioning. This was based on the principle of direct access from a section of the Northern MMDR between Nottingham Road and Scalford Road via four ghost right turn priority junctions. An additional priority junction on to Scalford Road was also to be provided at the time.

Junction Capacity Assessments

The Applicant has undertaken capacity assessments for the peak hours of 08:00 - 09:00 and 17:00 - 18:00 at the following junctions:-

1. Richborough site access/ Scalford Road roundabout;

2. LCC site access/ Nottingham Road/ St Bartholomew's Way roundabout;
3. Nottingham Road/ Wilton Road/ Scalford Road/ Nottingham Street signalised junction;
4. The Crescent/ Nottingham Road priority junction;
5. The Crescent/ Scalford Road priority junction;
6. Welby Lane/Nottingham Road priority junction; and
7. West Avenue/ Asfordby Road priority junction.

These junctions have been assessed under eight scenarios as outlined in Table 5 overleaf. The Applicant has assessed the traffic impact of this development individually and also the cumulative impact of both this site and the LCC site, should both be permitted by the LPA. It should be noted references to cumulative development in these traffic analyses refer to the combined developments for the Richborough and LCC sites. For clarity, this is **not** the same as the cumulative development tested in the LLITM based Cumulative Development Impact Study, which took into account 2,550 dwellings. Therefore, for clarity in these observations, the LHA has referred to the combined Richborough and LCC proposals in the remainder of this document as the Melton North (MN) cumulative development.

The Applicant has advised that the LLITM model automatically reassigns existing traffic on the network as a result of the development impact. This is where existing users of the network choose alternative routes to avoid congestion. Background reassignment has been included within the MN cumulative development scenarios (4 & 7). A sensitivity test has however been undertaken for the 2031 future year scenario (8) to assess the MN cumulative development impact if no traffic reassigns as a worst case.

The LHA is satisfied that junctions 1, 2, 4, 5, 6 and 7 outlined above will operate within capacity under all scenarios up to 2031 and that no mitigation is required. However, the LHA consider that the operation of the Nottingham Road/ Wilton Road/ Scalford Road/ Nottingham Street signalised junction (Junction 3) will be affected by the proposals. Further consideration to this has been given below.

Nottingham Road/ Wilton Road/ Scalford Road/ Nottingham Street signalised junction

Previous work undertaken by the LHA and LPA for the Cumulative Development Impact Study in October 2015 identified that the majority of junctions within and around Melton Mowbray town centre were at capacity and that operation would continue to deteriorate with the introduction of new developments such that the LHA considers that the impact would be severe in the context of NPPF without a package of mitigation measures.

As a result of background growth in 2021 (without any development), the Nottingham Road and Scalford Road junctions are likely to be operating at a level beyond their practical capacity in the PM peak. This will result in signs of congestion such as extensive queuing and delays becoming more likely with just minor increases in traffic flows. Should this development come forward without the neighbouring LCC site and without background traffic reassignment, the PRC of the junction remains similar in the AM and PM peaks. Under the Richborough *and* LCC

scenario and when taking in to consideration background traffic reassignment, there would however be a minor deterioration in the PRC in comparison to the base flows.

In 2031, the PRC continues to deteriorate in the AM peak and, while still over capacity, the junction shows a minor improvement in the PM peak in the base scenario. With the introduction of the Richborough development and a section of the Northern MMDR only, the junctions become over capacity in the AM peak and significantly deteriorates in the PM peak. In particular, there is a significant increase in queuing and delay at the Nottingham Road/ Norman Way junction in the PM peak. Under the Richborough and LCC scenario and when taking in to consideration background traffic reassignment the PRC continues to be considerably reduced in the PM peak. Under the sensitivity test scenario, without any background traffic reassignment, queuing and delay would be double the 2031 base levels on Wilton Road.

The LHA would normally consider assessment results such as those within the TA Addendum to demonstrate the traffic impact of the Richborough development to be severe at the junction. However, as set out earlier in these observations, at its meeting on 11th September 2015, the County Council's 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) now referred to as the Melton Mowbray Distributor Road (MMDR).

This was on the condition that such developments were contributing to the delivery of the MMDR and the wider Melton Mowbray Transport Strategy. Therefore, given that opportunities for improvements at this town centre junction are very limited, the LHA considers it more appropriate that mitigation for the proposed development is sought through securing wider improvements in the form of new highway infrastructure which can mitigate the impact at those junctions through the reassignment of traffic. The LHA considers this can be addressed through the delivery of the Melton Mowbray Transport Strategy including a Melton Mowbray Distributor Road, on the basis of the £49.5 million government funding secured to deliver the scheme. Until such a time as this infrastructure is provided however, the impact of this development would be considered to be severe.

Work undertaken by the LPA and the LHA to secure the recent funding towards the Northern and Eastern Distributor Roads has identified that following the implementation of the Distributor Roads, there is likely to be a decrease in total delay at the Nottingham Road and Scalford Road junctions.

Accordingly, the LHA would therefore seek to enter into a S106 agreement for a contribution based on a proportionate impact of this development on the highway network which is consistent with signed S106 agreements for other permitted developments within Melton Mowbray such as Lake Terrace (17/01500/OUT), Melton Spinney Road (14/00808/OUT) and Leicester Road (15/00082/OUT). Under these applications, the LHA obligated the Applicant to contribute £8,653 per dwelling towards strategic transport improvements.

Based on this approach, the LHA advises a contribution of £3,461,200 (£8,653 x 400) towards the delivery of strategic transport improvements, including the MMDR, from these proposals. This requirement set out below in the section titled

contributions. The Applicant has indicated they are willing to contribute towards the MMTS.

This figure is consistent with the assumptions made in the MMDR North and East Scheme Outline Business Case, prepared with close involvement of Melton Borough Council. Applying the per-dwelling figure consistently across the entirety of the Melton North Sustainable Neighbourhood (including this and the LCC site), is likely to raise in the region of £14m. This figure reflects the required local funding contribution identified in the Business Case. Demonstrating match funding was important in the successful securing of £49.5m in Large Local Majors funding from the Department for Transport.

It should be considered that the figure being requested is less than that which was presented in evidence to the Examination in Public for the current adopted Local Plan. The higher figure of up to £18,500 per dwelling, in line with the 2015 joint position statement between LCC and Melton Borough Council would not have been given had there been doubts about CIL compliancy. However notwithstanding the comments above the LHA has identified some measures which will help alleviate some of the impact of the proposed development in the short term. The SCOOT system co-ordinates the operation of traffic signals in an area and provides a proactive approach to managing fluctuation in traffic throughout the day including the AM and PM peak hours. Whilst this would not, in itself, mitigate the development impact, it would contribute positively to reducing the impact of the development. The requirement for contributions to SCOOT validation at the junctions mentioned above is set out below in the section titled contributions. The Applicant has indicated they are willing to undertake measures at the junction.

Off-Site Implications

Shared use footway/ cycleway

A three metre wide shared use footway/ cycleway has been proposed along the western side of Scalford Road, which would link in to the existing footway facilities at John Ferneley College. A shared use footway/ cycleway has also been proposed to the north of the access roundabout to tie in with the shared use route proposed as part of the MMDR. The LHA consider this link is essential to provide appropriate pedestrian/ cycle access between the Richborough development/ Melton Mowbray and the MMDR shared use route.

The Crescent – (See more recent comments above)

Minor Road Audit

The Applicant advised that the LLITM model has indicated that additional vehicles are anticipated to use a number of minor roads as a result of the cumulative Richborough and LCC developments, including single track lanes with low traffic volumes, specifically Gaddesby Lane, Pastures Lane, Holwell Lane, Saxelby Road, Olster Lane and Old Dalby Lane. Within the TA, the Applicant has stated additional traffic is anticipated on Saxelby Road, Olster Lane and Old Dalby Lane in the 2021 AM peak (up to approximately 25 two way Passenger Car Unit (PCU) trips) and on Holwell Lane in the PM peak (23 PCU's) as a result of the MN cumulative development traffic and reassignment.

In 2031, when the MN cumulative development is fully built out and the MMDR between Nottingham Road and Scalford Road is modelled as operational, the only minor roads which the developments would have a traffic impact on are Gaddesby Lane leading to Pasture Lane in both the AM and PM peak (an increase of approximately 20 PCU's in the AM peak and 3 in the PM peak).

As a result the Applicant proposed to undertake an audit of these roads to see if additional mitigation measures such as passing bays or traffic calming to accommodate or discourage traffic should be implemented.

The roads have been studied by the LHA to see if any have a history of Personal Injury Collisions (PICs) over the last five years. In total there have been three PICs including a fatal PIC at the junction of Olster Lane/ Six Hills Lane and Old Dalby Lane junction, a serious at the junction of Holwell Lane and Scalford Road and a slight at the junction of Holwell Lane and unnamed road (leading to the A606). Overall it is considered the proposals would be unlikely to exacerbate the current situation.

After considering the above, given that the impact on Saxelby Road, Olster Lane and Old Dalby Lane is prior to the MMDR and the impact on Gaddesby Lane and Pasture Lane is minimal in 2031, the LHA do not consider an audit would be necessary.

Internal Layout

Given the nature of this application, the LHA have not considered the internal layout of the proposed development in detail. This would be determined as part of a future reserved matters application.

The Applicant has advised that the spine road to the development, which would link through to the adjacent LCC application site, will be designed as a bus route, with a 6.75 metre wide carriageway. This is welcomed by the LHA and would be considered necessary. The Applicant will be required to design the internal layout and spine road to ensure that all dwellings within the site are 400 metres from a bus stop. Bus stops will be required at appropriate locations including raised kerbs and real time information.

An area of land has been reserved within the red line boundary of the application site for an expansion to John Ferneley College. The LHA would strongly advise that a pedestrian/ cycle link is provided on the northeastern boundary between the residential land/ college site. This access would only have to cater for pupils of the college, not the general public, and would substantially reduce the walking/ cycling distances for pupils who would attend the college from both the Richborough and LCC developments. Given the location of the college expansion is illustrative at this stage, but falls within the red line boundary of the application site, the LHA would expect such a link to be shown at the reserved matters stage when layout is to be determined.

Transport Sustainability

A Travel Plan has been submitted as part of this application which is overall considered acceptable, subject to the following amendments:-

- www.choosehowyoumove.co.uk should be used to promote local schemes to residents and employers;
- Leicestershire County Council no longer uses iTrace for monitoring of Travel Plans. Instead, the applicant should refer to <https://starsfor.org/> which must be used for Travel Plan monitoring and travel surveys throughout the monitoring period stated in the plan; and,
- Modal shift targets for the reduction of single occupancy vehicles have not been specified. This should be between 10-15%.

It is considered that an amended Travel Plan can be conditioned.

A two hourly bus service between Melton town centre and Stathern travels along Scalford Road. An hourly 'Melton Circular' bus service also runs along Melbray Drive, close to an existing footway link through to the site. While the Applicant has advised that new bus stops would be provided on Scalford Road and that the spine road through the Richborough and LCC site would be designed to cater for buses, no new bus service or the re-routing of an existing service has been proposed to serve the site, which would be more beneficial than new bus stops on Scalford Road. The LHA are of the view that a regular bus service will be required to run through the site to serve Melton town centre.

As part of the previously refused application at this site, the Applicant proposed a half hourly bus service (Mon - Sat) between Melton town centre and the site for a period of five years, after which time it was expected that the service would become commercially sustainable. It was proposed to loop existing bus services through the site to provide the half hourly service. A second proposal for a new route was also put forward whereby a new service would be provided which continued through both the application site and into the neighbouring LCC application site (similar to the current Richborough/LCC applications). These options were considered acceptable to the LHA at the time.

Accordingly, the LHA will seek to secure appropriate bus services through an appropriately worded planning obligation. In order to further encourage sustainable travel and inform residents of what sustainable travel choices are available in the surrounding area, the LHA would advise one travel pack (£52.85 per pack) and two six month bus passes (at an average cost of £360.00 per pass - cost to be confirmed at implementation) will be required per dwelling. A travel plan monitoring fee of 6,000 will also be required.

Public Rights of Way

It is noted that footpath E17 runs through the centre of the site. The LHA would advise the LPA to consider the comments raised by the Access Officer submitted on 20 July 2018.

Construction Period

Disappointingly no consideration has been given to how the development will be constructed; therefore the LHA support the imposition of a condition (and obligation in relation to Construction Traffic Routing) which requires the submission of a robust

Construction Traffic Management Plan (CTMP) to ensure that the construction period does not unduly affect the operation of the adjacent Scalford Road. The LHA are aware that there will need to be significant earthworks required to make the site suitable for residential development in the first instance. It is considered that the CTMP should consider the impact of construction during these works, as well as when above ground works commence. It will be crucial to engage with the promoters of both the LCC site, as well as the adjacent MMDR to minimise impact.

Local Education Authority

This request for an education contribution is based on 400 homes of which 60 will be one-bedroom homes for which no claim is made. This site generates:

Sector	No. of Pupils generated by the development
Primary	102
11-16	57
Post 16	12
Primary Special	1.2342
Secondary Special	1.36

In order to plan strategically for the provision of the Education infrastructure needed as a result of the proposed housing developments in the Borough, the County Council in arriving at the contribution requested, has taken account of the proposed developments in the Sustainable Neighbourhoods (SN) planned to the north and south of Melton town, and the developments planned in Melton town itself.

The calculations are based on the numbers of homes proposed in the Local Plan, which equates to 1700 in the North SN, 2000 homes in the South SN and 550 homes in the town. In accordance with the Local Plan it is assumed that 15% of these homes will be one-bedroom flats, for which there is no expected pupil yield and therefore no contribution sought.

The calculations also include the pupil yield from 282 homes in village locations where the village falls within the catchment area of John Ferneley and Long Field School, however this only applies to the secondary, post 16 and special elements of the total infrastructure cost as these pupils will be expected to attend the village primary school closest to the development, and therefore any primary contributions sought will be used to extend the local school.

The calculation is based on an assumption that 4532 homes will be built in the plan period, this figure is then reduced by 15% to represent the number of one-bedroom homes to be built in Melton town, giving a final figure of 3895 homes

The pupil yield rates per 100 dwellings with two or more bedrooms used are as follows:

Primary 30.0

Secondary 11-16	16.7
Post 16	3.3
Special (Primary)	0.363
Special (Secondary)	0.4

PUPIL YIELD

SECTOR	NORTH SN	SOUTH SN	TOWN/VILLAGE	TOTAL
Primary	574*	539*		1113
Secondary	241	284	312	837
Post 16	48	56	64	168
Special (Primary)	5	6	4	15
Special (Secondary)	6	7	4	17

*Pupils from approved sites in the town are included in these figures.
The yield figures are rounded up to the nearest whole number

In order to provide the additional school places required, the following provision is required:-

PRIMARY

	BUILD COST	LAND COST	
NORTH SN			
One 210 place school	£4,410,000	£741,000	1ha
One 240 place school	£6,641,000	£1482,000	2ha
SOUTH SN			
One 210 place school	£4,410,000	£741,000	1ha
One 240 place school	£6,641,000	£1482,000	2ha
TOTAL COST	£22,102,000	£4,446,000	£26,548,000

Less contributions from signed agreements equalling £348,451, leaving a balance of £26,199,549 – this cost will be shared across the dwellings to be built in the North and South SN and Melton town only. Any developments in the villages will contribute towards the cost of extending the village or local primary school.

SECONDARY

In order to provide the additional 837 secondary school places required, the proposal is to extend John Ferneley College by 200 places and to build a new secondary school (11-16) ideally in a location to the south of the town in order to ensure that secondary school places are located where the housing growth is planned. The Long Field School is not suitable for further development due to its location within a flood plan and the complexities and cost of extending buildings in locations of this nature.

To extend John Fernley by 200 places would cost £3,575,234 (based on the cost multiplier of £17,876.17 per pupil place) and require 1.22ha of land at a cost of £904,020 (based on a land value of £741,000 per ha)

To build a new 650 place secondary school would cost £18,567,000, and require 5ha of land at a cost of £3,705,000.

Total cost £26,751,254. S106 agreements already signed include contributions to the value of £1,766,344. This funding will be used towards this cost leaving a balance of £24,984,909 to fund.

POST 16

The Post 16 provider in Melton is the Melton Vale Post 16 Centre on Burton Road. The Centre currently has spare capacity for a further 100 students. The total yield from the proposed development is 168 pupils, so S106 contributions are required to provide an additional 68 places.

The cost multiplier for Post 16 places is £19,327.90 per pupil place.

The total cost for providing the additional Post 16 places is £1,316,666.

SPECIAL

The nearest Special School to the proposed developments is the Birch Wood School. The school is full and forecast to remain so.

The total predicted yield from the proposed developments of pupils requiring education in a special school setting is 15 primary age pupils and 17 secondary age pupils.

The cost multiplier per primary place is £54,445, and the cost multiplier per secondary place is £83,707.

Giving a total special school contribution of £2,239,694. S106 agreements already signed include contributions to the value of £181,583. This funding will be used towards this cost leaving a balance of £2,058,111.

S106 CONTRIBUTIONS ARE REQUIRED TO FUND THE TOTAL FOLLOWING LAND AND BUILDING COSTS:

Primary	£26,199,549
Secondary	£24,984,909
Post 16	£1,316,667
Special	£2,058,111
TOTAL	£54,559,236

The proposed total contribution, how this figure relates to the different sectors and the per dwelling levy is shown below

SECTOR	TOWN	VILLAGES
Primary	£6,164.60	-
Secondary	£5,513.00	£5,513.00

Post 16	£290.53	£290.53
Special	£2,058,111	
TOTAL	£12,422.26	£6,257.66

On the assumption that 4532 homes will be built in the plan period, this equates to £12,422.26 per home in the North and South SN's and Melton town. This figure will be reduced proportionately where any developer allocates land to build the new primary schools or secondary school at a value of £741,000 per ha.

The contribution for homes in the village locations will equate to £6257.66 per home, however please note that this figure does not include any primary contribution which will be required.

CONTRIBUTIONS FOR THIS APPLICATION

Based on 400 homes, at a charge of £12,422.26 per home the total contribution required is £4,968,904. On the assumption that Richborough allocate a site of 1.22ha to provide land for the extension to John Ferneley College, this contribution will be reduced by £741,000 to give a final total contribution of £4,064,884.

TOTAL REQUIREMENT £4,064,884

PAYMENT TRIGGERS

The timing and speed of development of the new housing in the NSN is critical to the payment triggers for contributions and the need to ensure that sufficient funding is available when it is required. The education contribution is a global figure which includes the cost of extending or building new primary, secondary, post 16 and special schools provision. The figure will be applied as a per dwelling contribution and will be paid as such, the County Council will determine the timetable for increasing the number of places in the various sectors.

Where land is allocated for the provision of new facilities this will be required as serviced land which should be transferred to the County Council prior to occupation of the first dwelling.

The payment triggers for the contributions will be as follows:-

- 10% on first occupation.
- 70% on 50% occupations.
- 20% on 75% occupations.

This will mean 75% occupations would be the latest date for payment of the final instalment, or within 36 months of commencement of development whichever comes sooner.

The payment triggers assume that the County Council will be building the new schools and the extension to John Ferneley.

The same set of triggers will be applied to all developments in the NSN. Each developer will pay the sum due when the required number of houses have been occupied on their development.

However the triggers for the construction and opening of the new school will depend on the cumulative total of houses built and occupied in the NSN.

The school will not be opened until at least the occupation of 200 dwellings. The school will be opened at the discretion of the County Council when required and/ or when funding is in place.

LCC Ecology

Following the submission of a Great Crested Newt Mitigation Strategy (Tyler Grange, undated), outlining the principle of mitigation that will be required during the development, ecology consider that the strategy is acceptable and welcome the general principles.

Ecology therefore have no objections to the proposal, but would recommend that the following are forwarded as conditions of the development:

- Recommendations in section 5 of the Bat Survey (Just Ecology, March 2017) to be followed.
- Recommendations in section 5 of the Breeding Bird Survey (Just Ecology, March 2017) to be followed.
- A detailed badger mitigation strategy, based on the recommendations in section 5 of the Badger Survey (Just Ecology, February 2017) must be submitted in support of the reserved matters application. This must be supported by survey completed no more than 12 months prior to submission.
- A detailed great crested newt mitigation strategy, based on the Principles of Great Crested Newt Mitigation strategy (Tyler Grange, undated) must be submitted in support of the reserved matters application. This should be supported by surveys completed no more than 3 years previously.
- All hedgerows retained on site should be buffered with a minimum of 5m semi-natural vegetation from plot boundaries. The stream must be buffered by a minimum of a 10m semi-natural vegetation.
- Landscaping plans to reflect biodiversity enhancements, particularly in areas of open space and the green SUDs corridors throughout the site.
- Prior to commencement a biodiversity management plan should be submitted and approved.
- Updated protected species surveys to be submitted in support of the reserved matters application.

LCC Footpaths

Public Footpath E17 runs through the proposed development. The proposal includes provision to accommodate the Public Footpath on its existing line through a recreational corridor to be created within the development. The path will be a key non motorised link between the proposed development and existing amenities located off site and also an important gateway to the recreational network of footpaths around Melton.

Although the Footpath will lose its rural character for the length of the development, the provision for the retention of the Footpath as shown will reduce this impact and therefore the PROW Officer has no objections in principle. However, the details need

to be considered at a later stage and therefore the following condition should be attached to any permission granted:

Conditions

1. No development shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 102 of the National Planning Policy Framework 2019.

In drawing up a Rights of Way scheme, the Officer draws the applicant's particular attention to the following (which can be included as informatives should permission be granted):

- The Footpath within the development should be provided with a 2m wide tarmaced surface with a minimum of 1m wide clear verges on either side. (A minimum total width of 4m.) Application of these criteria should ensure that the route does not appear narrow and unattractive to users, it available to all users all year round and retains an open aspect for the future.
- Consideration should be given to any boundary treatments running alongside the Public Footpath. No trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species. In particular this should apply to demarcation of the boundaries of any properties fronting on to the Footpath.
- Stiles at either end of the site and in the middle should be removed as obsolete for stock control. This will encourage wider use of the recreational network and provide access for all users regardless of physical ability.
- Measures to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works, wherever appropriate they should be safeguarded from the rest of the site by a secure fence.
- Given the position of the footpath through the site I would expect disruption to be minimal but if a temporary diversion is necessary to enable construction works to take place then a temporary order can apply for a period of up to six months. Application should be made to networkmanagement@leics.gov.uk at least 8 weeks before the temporary diversion is required.

LLFA

Leicestershire County Council as LLFA advises the Local Planning Authority that the proposed development would be considered acceptable to Leicestershire County Council. Consequently, the submitted drainage and flood risk details appear technically acceptable to the LLFA. The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

1. Advice - Surface Water (Condition)

Condition

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.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

Note to Applicant

The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

2. Advice – Construction Surface Water Management Plan (Condition)

Condition

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.

Reason

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.

Note to Applicant

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

3. Advice - SuDS Maintenance Plan & Schedule (Condition)

Condition

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.

Reason

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.

Note to Applicant

Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

4. Advice – Infiltration Testing (Condition)

Condition

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

Reason

To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

Note to Applicant

The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

General Information for Local Planning Authority and Applicant

Land Drainage Consent

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found at the following:

<http://www.leicestershire.gov.uk/Flood-risk-management>

Maintenance

Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

Historic England

Do not wish to offer any comments on the application.

LCC Archaeology

The Written Scheme of Investigation was approved in September 2018 (see the file) and the applicant commissioned a small mitigation excavation and completed the fieldwork satisfactorily in winter 2018/19. The only outstanding issue is the deposition of the project archive, however the results were limited and therefore it doesn't require

a planning condition.

On that basis, no further archaeological work is required. The developer's report submitted in response to the development proposals satisfactorily investigated the application area and recorded the existing ridge and furrow earthworks. A small zone of targeted excavation was undertaken adequately and revealed a single gully suggesting an area of archaeological interest that appears to lie at and beyond the western edge of the present site.

Environment Agency

The location of the development is in flood zone 1, it does not fall under the categories of a high risk to the environment, or offering significant environmental benefit. Therefore we do not wish to comment on these proposals; our standing advice applies.

Affordable Housing & Housing Mix Comments (MBC Housing Policy)

Total dwellings – 400

Affordable Housing contribution – 60 dwellings

Affordable housing for rent – 48 (80% of the overall AH contribution)

Affordable home ownership – 12 (20% of the overall AH contribution)

Evidence in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA, Jan, 2017) shows a need for a split of 80% rented and 20% intermediate housing. The definitions have changed in the new NPPF (2018). However, in essence, the 'social/affordable rented' is now 'affordable housing for rent' and the 'intermediate' is now 'affordable home ownership'.

The Melton Borough Council Housing Needs Study (HNS, 2016) examines housing need at a more detailed ward level and has found a c.5% need for starter homes, which can fall within the affordable home ownership tenure.

Para. 64 in NPPF, 2018 states "where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural

exception site.

²⁹ As part of the overall affordable housing contribution from the site.

Where it states in para.64 that an exception can be applied to at least 10% of homes to be available for affordable home ownership if this would “significantly prejudice the ability to meet the identified affordable housing needs of specific groups”, this allows us to revert back to the HEDNA identified need of a tenure split of 80% rented and 20% intermediate housing across the Borough. This is because specifically in Melton Mowbray and the Sustainable Neighbourhoods, the delivery of affordable housing for rent would be significantly affected.

The HNS, rather than the HEDNA, needs to be used as evidence for the housing size mix because it has based demographic change likely to be associated with 245dpa level of housing delivery (the amount stated in the Towards a Housing Requirement for Melton BC document, Jan 2017), to identify the optimum housing mix. This is set out in table 8 of the adopted Local Plan (2011-2036) and included below.

Optimum Housing mix requirements for market and affordable housing

	1-bed*	2-bed	3-bed	4+ bed
Market	5%	30%	45-50%	15-20%
Intermediate	15-20%	50-55%	25-30%	0-5%
Social/affordable rented	30-35%*	35-40%	20-25%	5-10%
All dwellings	15%	30-35%	35-40%	15%

*: The 1 bed need for affordable housing is an anomaly and over inflated. This is because the 1 bed need figure includes elderly people, and as they are not affected by current welfare benefit changes, on some occasions, be allocated a 2 bedroom property.

In the table above, affordable housing is split between intermediate housing and social/affordable rented. This is to reflect the difference in the housing mix requirements of each. The study was undertaken when the NPPF, 2012 was in existence and hence the use of the previous definitions.

Proposed Affordable Housing

35 x affordable rented houses

35 x intermediate housing houses

In light of the percentages in the optimum housing mix table (above) and further research of the housing register; letting and stock data, my recommendation for the affordable housing mix is:

Recommended Affordable Housing for Rent:

No.		Bed Size	Type	Bed size	no.	c. %
10	x	1 bed	houses			
				1	10	20
6	x	2 bed	bungalows			
16	x	2 bed	houses			
				2	22	45
4	x	3 bed	bungalows			
8	x	3 bed	houses			
				3	12	25
2	x	4 bed	bungalows			
2	x	4 bed	houses			
				4	4	10
48					48	100

Total: 48

Recommended Affordable Homeownership:

No.		Bed Size	Type	Bed size	no.	c. %
2	x	1 bed	houses			
				1	5	17
2	x	2 bed	bungalows			
4	x	2 bed	houses			
				2	6	50
4	x	3 bed	houses			
				3	4	33
12					12	100

Total: 12

Total: 60

Proposed Market Housing

340 x houses

Recommended Market Housing Mix

No.		Bed Size	Type	Bed size	no.	c. %
16	x	1 bed	houses			
				1	16	5
12	x	2 bed	bungalows			
90	x	2 bed	houses			
				2	102	30

28	x	3 bed	bungalows			
126	x	3 bed	houses			
				3	154	45
8	x	4 bed	bungalows			
60	x	4 bed	houses			
				4	68	20
340					340	100

Total: 340

Internal Space Standards

It is recommended that the affordable housing is built out to Housing Quality Indicators (HQI) standards and that the market housing for properties up to and including 3 bedroom properties are built to the National Space Standards.

Layout

The affordable housing needs to be 'pepper potted' throughout the development in small clusters of approximately 6 dwellings.

Other LCC Developer Contributions

Civic Amenity: The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.

The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of **£33,064.00** (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.

The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 290 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £33,064.00 (to the nearest pound).

This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (In 2012/13 (latest figures

available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.

Each household in Leicestershire in 2012/13 delivered on average approximately 0.276 tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 400 dwellings would generate over 110 tonnes of additional Civic Amenity waste at the Melton Mowbray Civic Amenity Site. The proposed development would place additional demand on the Melton Mowbray Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the demands placed on the site as a result of the proposed development.

Libraries

I would advise that the above proposal would result in the following service requirements, for which contributions should be sought from the developer:

The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3rd December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on Scalford Road, Melton is within 1.9km of Melton Library on Wilton Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be £12,070 (rounded up 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 for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. MEL014. There are currently four other obligations under MEL014 that have been submitted for approval. Subject to change due to future priorities of the library service.

The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for Melton at approximately 25,890 people. The library has an active borrower base of 6,157 people. However post code analysis demonstrates that Melton Library attracts usage from a much wider catchment of 32,550 through additional borrowers who live outside the settlement area but come into Melton for work, shopping or leisure reasons.

Active users of Melton Library currently borrow on average 16 items a year. The national performance indicator NI9 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08 - Oct 09) and for Leicestershire this figure is approximately 48%. This figure would be higher if children were factored into the equation.

Consequently the proposed development at Scalford Road, Melton is likely to generate an additional 576 plus users and would require an additional 1388 items of

lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Melton.

It 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 library facilities at Melton which would arise due to this proposed development.

Whilst the outline planning application currently does not have an indicative or detailed schedule of accommodation then the figure given below is only illustrative if the development was for example to be all two plus bedroom dwellings. However the actual amount of the library contribution will be based on the house sizes and schedule of accommodation and need to be linked to the figures provided in the table below:-

<i>1 bedroom houses/apartments @ £15.09 per house/apartment</i>	
400	<i>2+ bedroom houses/apartments @ £30.18 per house/apartment</i>
<i>1 bedroom student dwelling @ £10.06 per house/apartment</i>	

NHS – Latham House Medical Practice (East Leicestershire & Rutland CCG)

East Leicestershire & Rutland CCG is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning. As part of this responsibility, the CCG financially supports estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively the CCG will continue to request S106 contributions.

Based on evidence provided by the Practice (average occupancy of 2.42 people per dwelling), the development will generate an additional 968 patients.

Based on Department for Health calculations in HBN11-01: Facilities for Primary and Community Care Services, this demonstrates that the increase in the practice list will create additional pressure on clinicians and admin teams. The indicative size and cost of a new development has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes, recognizing the economies of scale in larger practices. As such, a contribution of **£251,852.88** has been requested.

Melton Borough Council Open Spaces

Open Space Typology	Standard (ha/1000 population)	Requirement (ha) for 18/00769/OUT (based on 2.4 occupants/dwelling)
Parks and Gardens	1.92	1.84
Natural and semi-natural greenspace	1.38	1.32
Amenity greenspace	0.77	0.74
Provision for children and young people	0.13	0.13
Allotments	0.38	0.37
Playing Pitches	Requirement (ha/1000 population)	Requirement for this application
Football pitches	0.41	0.39

Melton Country Park

A request has been received for contributions towards upgrading approximately 300 metres of paths within Melton Country Park, at a cost estimated at approximately £50,000. It is proposed that this cost is split equally between this application and Richborough Estates, i.e. **£25,000** each.

This request follows the requirement by policy SS5, T1 (f), which is worded as follows:

'The Melton Park Greenway – a series of measures that improve accessibility and the attractiveness of walking and cycling connections through the Melton Country Park to the town centre Melton Local Plan, and other town attractors such as employment, education and retail.

Appendix B : Summary of representations received

None

Appendix C: Recommended 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 (insert date) and the development to which this permission relates shall begin no 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. Except for the details of vehicular access into the application site from Scalford Road, details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before

any development is commenced, save for access.

2. The development hereby approved shall be for no more than 400 dwellings in addition to public open space, children's play facilities and associated infrastructure.
3. Should the first reserved matters application be for two or more phases of development, prior to the submission for any applications for reserved matters, a phasing plan shall be submitted to the and approved in writing by the Local Planning Authority. The Phasing Plan shall provide the sequence and timing of development across the site, including:
 - i) The provision of all major infrastructure, including accesses, roads, footpaths and cycleways;
 - ii) Residential dwellings (including affordable units);
 - iii) Public open space, including a Local Equipped Area for Play (LEAP);
 - iv) Surface Water Drainage

The development, and the release of dwellings for occupation, shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed with the council.

4. No reserved matters application(s) shall be made until such time as a Design Code for the entirety of the application site has been submitted to the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement. All subsequently submitted reserved matters applications shall strictly accord with the approved Design Code.
5. No occupations shall take place on any phase of the development until a scheme for the provision of affordable housing as part of the phase concerned has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:
 - i) the numbers and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - vi) Details will be submitted identifying 10% of housing under this schedule will be made available for the elderly and identifying the

- vii) appropriate marketing processes associated with these plots; and
 The affordable mix and tenure shall comply with the following, unless otherwise agreed in writing with the council:

Units	1-bed	2-bed	3-bed	4+bed
Market	5%	30%	45-50%	15-20%
Intermediate	15-20%	50-55%	25-30%	0-5%
Social/affordable rented	30-35%	35-40%	20-25%	5-10%
All dwellings	15%	30-35%	35-40%	15%

- a. The percentages identified in the table above will be rounded up or down to the nearest whole number.
6. The development shall provide for an appropriate private mix of dwellings to meet the current and future needs of the Borough. The development hereby approved shall provide an overall market housing mix compliant with the identified requirement below or such other requirement as agreed in writing by the council.
- b. 1beds 5%
 - c. 2 beds 30%
 - d. 3 beds 45%
 - e. 4 beds + 20%
7. No development shall take place for each phase until a scheme for the provision of open space, including play areas, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the play areas and a timetable for its provision in accordance with the following table:

Open Space Typology	Standard (ha/1000 population)	Requirement (ha) for 18/00769/OUT (based on 2.4 occupants/dwelling)
Parks and Gardens	1.92	1.84
Natural and semi-natural greenspace	1.38	1.32
Amenity greenspace	0.77	0.74
Provision for children and young people	0.13	0.13
Allotments	0.38	0.37
Playing Pitches	Requirement (ha/1000 population)	Requirement for this application
Football pitches	0.41	0.39

8. No part of the development hereby permitted shall be constructed above damp proof course until such time as either;
- a. The three arm roundabout access arrangements and shared use footway /

- cycleway tying in to existing provisions on Scalford Road shown on Phil Jones Associates drawing number 2094-0104 Rev F, or;
- b. The three arm roundabout access arrangements shown on Phil Jones Associates drawing number 2094-101 Rev F, which ties the roundabout into the MMDR (application reference 2018/Reg3Ma/0182/LCC) and shared use footway/cycleway linking the MMDR to existing provisions on Scalford Road have been implemented in full.
9. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall therefore be carried out in accordance with the approved details and timetable.
10. No part of the development hereby permitted shall be first occupied until an amended full travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed travel Plan shall be implemented in accordance with the approved details.
11. The new Scalford Road access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing gated field access on Scalford Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
12. No development shall take place in the relevant phase until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority for that phase. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
13. No phase of the development approved by this planning permission shall take place until such time as a surface water drainage scheme relating to that phase has been submitted to, and approved in writing by, the Local Planning Authority.
14. No phase of the development in relation to each phase 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 phase concerned in that phase has been submitted to, and approved in writing by, the Local Planning Authority.
15. No phase of the development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element within the phase concerned, and the flood risk assessment (FRA)

has been updated accordingly to reflect this in the drainage strategy.

16. A detailed badger mitigation strategy, based on the recommendations in section 5 of the Badger Survey (Just Ecology, March 2017) shall be submitted with the first reserved matters application. This must be supported by a survey completed no more than 12 months prior to submission.
17. A detailed great crested newt mitigation strategy, based on the Principles of Great Crested Newt Mitigation Strategy by Tyler Grange must be submitted in support of any reserved matters application for each phase of development.
18. Updated protected species surveys shall be submitted with each reserved matters application.
19. A Biodiversity Management Plan shall be submitted with the first and each subsequent reserved matters application. Landscaping, particularly areas of open space and the green SuDs corridors throughout the site shall be delivered in accordance with the Biodiversity Management Plan.
20. All hedgerows on the site shall be buffered with a minimum of 5 metres semi-natural vegetation from plot boundaries. The stream must be buffered with a minimum of 10 metres semi-natural vegetation. Green corridors should be linked by utilising these buffers, in an effort to ensure that badgers can move along the edge of the development and access all areas of open space.
21. All works shall be in accordance with the recommendations in section 5 of the Bat Survey (Just Ecology, March 2017), section 5 of the Breeding Bird Survey (Just Ecology, March 2017).

Appendix D : Applicable Development Plan Policies

Local Plan

- SS1 - Presumption in Favour of Sustainable Development.
- SS2 - Development Strategy.
- SS5 - Melton North Sustainable Neighbourhood
 - Housing (C2, C3, C8)
 - Employment
 - Community Facilities (schools, local centre)
 - Transport
 - Environment
 - Master planning and delivery
- C2 - Housing Mix
- C3 - National Space Standard and Smaller Dwellings

- C8 - Self Build and Custom Build Housing
- EN1 - Landscape
- EN2 - Biodiversity and Geodiversity
- EN4 - Areas of Separation
- EN7 – Open Space, Sport and Recreation
- EN8 - Climate Change
- D1 - Raising the Standard of Design.



Planning Committee

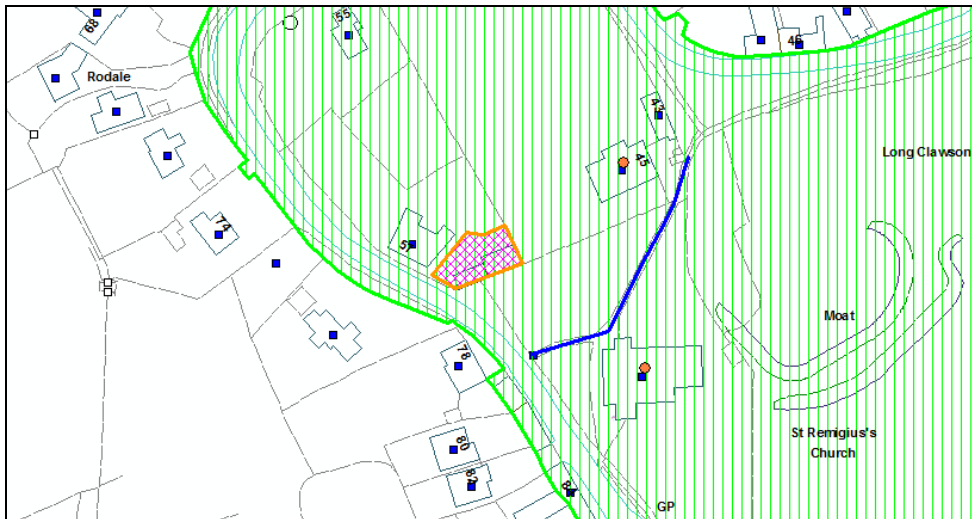
1st August 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

19/00186/FUL: Framland Lodge, 57 Church Lane, Long Clawson LE14 2ND

To rebuild and improve the old barn at Framland Lodge, to provide facilities for a small cookery school and chef's table.

1. Summary:



The site comprises a parcel of land within the residential curtilage of Framland Lodge, accessed from Church Lane. The land is to the south of the existing dwelling, and at present is occupied by a simple, single storey block built out building. The outbuildings run along the southern boundary of the property, forming the boundary with St Remigius Church, a Grade II* listed building which is approximately 30 metres to the south east. The site is also approximately 30 metres to the west of the Grade II listed Old Vicarage. The site is within, but on the edge of the designated Conservation Area.

The proposal is a full application of the re-build of the existing block built barn to provide a two storey building to form a small cookery school and chef's table which will be run by the owners of Framland Lodge.

2: Recommendations:

Approve, subject to the conditions as below, which can be viewed in full at Appendix C:

- Full permissions (time)
- Approved Plans
- Materials to be agreed
- Access width
- Gates
- Car park management plan
- Ancillary use of the site
- Limit to the number of attendees
- Restricting simultaneous use of both elements of the business
- Ecology (bats)

3: Reasons for Recommendation:

The principle of the application is considered to be supported by policies EC4 and EC8 of the Melton Local Plan, and policy E2 of the Clawson, Hose and Harby Neighbourhood Plan. The proposal is located in a village considered to be sustainable. This proposal would add variety to the offer for local residents and those living further afield.

The proposal has been well designed, demonstrating that it conserves and enhances the Conservation Area, and causes no identified harm or loss to the significance of other heritage assets in the vicinity. The proposal represents an opportunity for the applicants to contribute to the economy of the village and the wider Borough, relating well to the 'Rural Capital of Food' and the ambitions of the Council in this respect.

Subject to the imposition of conditions, it is considered that concerns regarding residential privacy and amenity, and highways safety can be overcome. As such, the proposal is recommended for approval subject to conditions.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee due to the number of representations received.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'

The Clawson, Hose and Harby Neighbourhood Plan, was subject to a successful referendum on 15th February 2018, and was adopted shortly after.

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of development
- Impact upon heritage assets and the character of the area
- Design
- Impact upon residential amenities
- Highway Safety
- Supporting the rural food economy

5: Report Detail:

5.1 Principle of Development

Policy SS2 sets out the development strategy for the Borough. It identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each. Long Clawson is identified as a Service Centre, which outside of Melton Mowbray itself is considered to be one of the most sustainable locations, offering a good range of services and facilities for local residents.

Within the Council's adopted Local Plan, there is significant support for employment growth in the rural area. Policy EC2 supports employment growth in the rural economy for small scale tourism and employment, and where new buildings are well designed and of an appropriate scale for the location. In particular, due to Melton Borough's status as 'Rural Capital of Food' there is a focus on food and farming, which this application reflects. Within the NPPF, (para 83) it is stated that planning decisions should enable sustainable rural tourism and leisure developments which reflect the character of the countryside.

Policy EC4 relates to other employment and mixed use proposals, and encourages these outside of existing or allocated employment sites where it can be satisfactorily accessed, it is an appropriate location for the business, it can be easily accessed, the impact on existing residents is acceptable, does not adversely affect land which is of particular significance to the form and character of the settlement, and is of an appropriate scale. Issues regarding the setting and impact on the character of the settlement will be discussed below, along with other site specific issues. It is however considered that the sustainable location of Long Clawson should be considered is an appropriate location for the type of small scale business proposed.

Policy EC8 of the Local Plan specifically supports sustainable tourism, which a cookery school and chefs table could be considered to be, due to the Borough's status as 'Rural Capital of Food'. Where these are not proposed in Melton town centre first, they can then be considered at other accessible centres; Long Clawson is, as stated above, a Service Centre. It is considered that this type of development could have benefits for other rural businesses by virtue of creating the potential to generate revenues for other businesses such as pubs and bed & breakfast / hotel accommodation.

The site is within the area covered by the Clawson, Hose and Harby NP (CHHNP), and within the limits to development of Long Clawson. **CHHNP states at policy E2 that it supports new businesses within or adjacent to the limits to development for small scale leisure, tourism or employment related development** appropriate to the countryside, subject to a number of criteria:

- The proposal is, where possible, siting in existing buildings or on areas of previously developed land;
- The proposal is of a size and scale appropriate to its rural location and not adversely affecting the character and environment of the village itself; and
- The proposal would not involve the loss of dwellings;
- The proposal would not increase noise levels or introduce unacceptable levels of pollution or traffic; and
- The proposal would be well integrated with any existing adjacent business premises and complement them in character and appearance.

It is considered therefore that the principle of the development is acceptable as set out within the NPPF, Melton Local Plan and the CHHNP.

5.2 Impact upon heritage assets and the character of the area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of that area.

The site lies within the built form of the village, to the north of the Church and is at present occupied by a single storey, concrete block built barn. As described above, the site is within the Conservation Area, and within the setting of the Grade II* listed St Remigius Church and Grade II listed Old Vicarage. The application is for full planning permission; as such detailed plans have been submitted. The plans have been subject to two amendments since submission, following receipt of comments from local residents, the Parish Council and the Conservation Officer, the most

recent being those considered here submitted to the Council on 18th June 2019. Those comments have been summarised at Appendix B of this report.

The existing single storey barn is not considered to make a positive contribution to the character and appearance of the Conservation Area. It is constructed of concrete blocks with a simple roof structure. Adjacent, to the south of this barn is an existing red-brick stable which is proposed to retain. This building is considered to make a positive contribution to the character and appearance of the conservation area.

Policy EN13 gives the Council's approach to the conservation of heritage assets and the wider historic environment, with the NPPF providing the national policy. It is important that designated heritage assets are recognised and protected, and policy EN13 seeks to ensure that a balanced judgement is made about the scale of any harm to or loss of the heritage asset, or its significance.

The applicant provided photographic evidence of a two storey dwelling that was present on the site some years ago, in the location of the existing single storey concrete block barn. The dwelling appears to be of a traditional construction, with gable ends facing to the north east and south west. Whilst this planning application is not for a dwelling, the presence of such a building of similar scale, mass and design to that which is proposed here, within the historic record of the site, adjacent to the Church is considered to be of significance.

The Conservation Officer was consulted on the proposals (see details at Appendix A). The Conservation Officer suggested subtle amendments to the proposal to ensure that this proposal matches the quality of the previous building in terms of its traditional design. These amendments were submitted by the applicant on 18th June 2019, and the Conservation Officer has no objection to the proposal on this basis.

It is considered that the proposal will make a positive contribution to the character and distinctiveness of the local area, and is consistent with the special character of the area. The proposed building is not considered to undermine the integrity or setting of the Grade II* listed Church, nor the Grade II listed Old Vicarage. The principal views towards each designated heritage asset would not be affected or undermined by the proposal, indeed it is considered that a well-designed building in this location could be considered to enhance the significance of the Conservation Area, and in turn these two listed buildings. Furthermore, the contribution that the proposal can make to the wider community and economy should also be taken into account in the planning balance.

Should the application be approved a condition can be applied to ensure that the proposed materials are agreed prior to construction to further control the look of the proposal to the benefit of the Conservation Area and other designated heritage assets.

It is considered the proposal would ensure the protection and enhancement of heritage assets, including their setting, and meets the requirements of the NPPF, Policy EN13 of the Melton Local Plan and the vision of the CHNP and relevant policies.

5.3 Design

Amended plans were submitted to the Borough Council on 18th June 2019 which proposed amendments in accordance with the Conservation Officer's comments. The building is proposed to resemble a two storey dwelling in terms of its design. Its principle elevation will face to the north towards Framland Lodge.

In terms of size, the proposed building has a total ridge height of c. 7.2 metres, eaves c. 4.8 metres, and footprint of 8.9 metres by 5.2 metres. The building has a dual pitched roof with a small, dormer style feature within the roof on the principle elevation to add interest. The windows have been altered to 'mock' sash windows, now aligned correctly, adding balance to the principle elevation. There is also a wooden main door proposed on the principle elevation.

On the rear elevation, the windows have also been aligned correctly, with a smaller window proposed where there is a WC on the ground floor. These windows are also wooden 'mock' sash. Most of these windows will not be visible from the Church due to the dense planting on the north boundary of the Church and the Church Wall. Three small timber 'mock' sash windows are proposed on the first floor of the west elevation, which faces towards Church Lane, with an entrance door on the ground floor also. The existing stables then cover the rest of the ground floor on that elevation. On the east elevation, facing towards The Old Vicarage (Grade II listed) there is an external, brick built chimney with a total height of approximately 8 metres, three bat boxes at high level (subject to specialist advice), and a further 'mock' sash timber window at ground floor level. There is a brick wall approximately 2-2.5 metres high on this boundary, so this window will not be visible to the occupants of The Old Vicarage.

The building has certain design features that have been recommended by the Conservation Officer, such as corbelled gable and eaves, mortar flaunching to the pantile gable, and rainwater goods in cast iron effect and no fascia boarding.

As stated above, the Conservation Officer has not objected to the proposals, taking into consideration the evidence of a similar building on the plot previously. The Parish Council have objected to the proposal on design grounds, stating that the proposal conflicts with the CHHNP policy H7. This has not been substantiated by an analysis, and in any event the Policy relates to housing design. As stated above, the proposal is not for a dwelling, but given the proposed use of the building and location, it is proposed to resemble one. The use of the building is proposed as a cookery school and chefs table, and can be conditioned as such should the application be approved.

Taking into account the high quality design proposed and the support of the Conservation Officer it is considered that the proposal meets the requirements of policy D1 of the Melton Local Plan, and H7 of the CHHNP is not considered to be applicable.

5.4 Impact upon residential amenities

Objections have been received from local residents (summarised at Appendix B)

concerning the impacts of the proposal on residential amenity, in particular noise and smell.

The application proposes open hours for the cookery school and chef's table of 10:00-23:00 6 days per week (closed Sundays and Bank Holidays). The applicant does not think that the business will be open all of these hours, but wishes to have some flexibility to 'test' the market. The cookery school and chef's table will not operate at the same time, limiting the number of people at the site. A condition can be used to control this, and ensure sufficient time to allow for one use to finish and the other to start.

It is not envisaged that the chef's table will accommodate any more than 8 covers, which is accepted due to the size of the building. Furthermore, the proposed use is for a high-end experience rather than a restaurant catering for many covers each evening. It is not considered that having 8 people leaving the building late into the evening would be any different in terms of noise than other residents holding their own dinner parties. The chef's table is unlikely to be open 6 nights per week due to the nature and type of service.

The Environmental Health Officer was consulted, and comments can be viewed in full at Appendix A. The Officer recognises the small scale nature of the proposal and the proposed extraction system situated on the gable end, concluding that the set-up should afford good dilution and dispersion of any odours and is likely to be sufficient to prevent a loss of amenity without additional noise / odour abatement. There is advice to the applicant regarding good planning of the kitchen should any mitigation be required in future which can be forwarded to the applicant and included as a note on any planning permission granted.

As such, it is not considered that smells or noise from the operation of the kitchen and the cookery school / chef's table would be detrimental to the residential amenity of neighbouring dwellings.

5.5 Highway Safety

The Local Highway Authority (LHA) have been consulted on the application - see Appendix A. In summary, the LHA is content that the impacts of the development on highway safety would not be unacceptable, and the impacts on the road network would not be severe. The development does not conflict with paragraph 109 of the NPPF (2019) subject to the conditions outlined in their response.

Whilst the applicant has provided a drawing of the existing access (19-1016-(02)AS-002 which demonstrates a 4.2m gated access, the requirements in the Leicestershire Highways Design Guide for a commercial site is for a 6 metre wide access. The LHA is satisfied that the access can be widened suitably by condition to meet this requirement. In addition, a condition can be placed on any permission to ensure that the gates are removed or setback to ensure that vehicles will be able to stand clear of the highway whilst operating the gates. As the site is constrained a further condition is requested to ensure that the gates remain open during the hours of operation of the business.

Given the small scale of the site, the LHA have no concerns regarding the level of trips that would be generated, however they would seek a condition to restrict the use and capacity of the site given the limitations of the site which is not conducive to two way movements. This will ensure that the lack of turning and limited parking provision will not have a detrimental impact on the highway network.

The built form of the site restricts the potential configuration of parking, requiring vehicles to reverse either into the site or onto the highway. Typically, this is not usually acceptable for commercial premises, however the development proposal is unique, and the operation of the site can be suitably restricted by planning conditions which will make the development acceptable. The LHA will therefore seek to secure the provision of a car park management plan in order to manage arrivals and departures at the site given the limited parking provision available and in order to minimise the impact on the network. Timetabling of classes needs to ensure that there is sufficient time between them to maximise use of the car park.

There are no car parking standards for this type of proposal, and without evidence to the contrary the LHA do not consider it unreasonable to assume that attendees to the cookery school could arrive by private motor vehicle. The parking provision occupies the whole parking area, therefore not maintaining parking provision for the existing residential dwelling. The occupants of the dwelling would work at the proposed business, and therefore it would be reasonable to expect that two vehicles in connection with the residential use would also be parked at the site, reducing customer parking to 6 spaces.

There are no on street parking controls on Church Lane; whilst the LHA does not encourage parking on the highway in association with any new developments, taking a pragmatic approach to the application, and considering that Church Lane is an unclassified, lightly trafficked street, the LHA does not consider that the potential for two vehicles to park on the highway would cause unacceptable, severe harm to the highway network and therefore could not substantiate a reason for refusal on this basis.

There are limited opportunities for sustainable modes of travel to the site, nevertheless the LHA is satisfied for the LPA to include this context in its wider sustainability considerations for the site.

Numerous objections have been received citing highways safety, particularly in relation to the amount of parking provided on site. It is considered that this has been adequately addressed by the comments from the LHA above, and can be conditioned to ensure that there is not an unacceptable impact on the highway.

Recommended conditions will limit the number of participants at the site, and the ability for the cookery school to be operational at the same time as the chef's table.

Customers will be encouraged to car share wherever possible, as the cookery school is likely to be a sociable activity for friends / family, in a similar way to the chef's table, and the car parking management plan that is required by condition will seek to ensure that the car parking is considered and managed appropriately.

Overall, it is considered that the proposal meets the requirements of the NPPF para 109, MLP policies EC2, D1 and EC8, and CHHNP policy T4 in regards to highways safety for the reasons as set out above.

5.6 Supporting the rural food economy

Melton Borough is the 'Rural Capital of Food', and its food and drink specialism provides bespoke opportunities to promote all parts of the food chain. This proposal seeks to create a small scale rural cookery school, with specialised chef's table where it is proposed that local produce will be showcased. The applicant has successfully run much a larger scale restaurant in Notting Hill, and now wishes to specialise on a much smaller scale in a rural location.

The applicant has consulted with local producers, including small scale horticultural production and the Long Clawson Dairy to ensure fewer food miles and more sustainable business. The applicant wishes to contribute positively to the 'Rural Capital of Food', and reinforce and enhance Long Clawson's culinary heritage.

The applicant has applied for LEADER funding from the Leicester and Leicestershire Local Enterprise Partnership to support the proposal, and has been successful in the initial stages of the process as this type of business is supported. To progress further with the grant funding application it is necessary to have planning permission in place.

It is considered that the proposal is supported by policies C7, EC2, EC4 and EC8 of the Local Plan, and Clawson, Hose and Harby NP (CHHNP) policy E2.

Consultation & Feedback

A site notice was posted, the application advertised in the local press, and neighbouring properties consulted. As a result, 19 objections have been received from 15 households in addition to 1 letter of support and one neutral comment.

Two objections were received in response to the consultation on the amended plans, with all other objections received in response to the initial consultation and initial submission.

Financial Implications:

There are no financial implications identified.

Background Papers:

- No applicable background papers

Appendices:

- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

22nd July 2019

Report Author: Mrs Sarah Legge, Lead Planning Officer, Development Management

☎: 01664 502380

Appendix A : Consultation replies

Clawson, Hose and Harby Parish Council

The Council objects to the amended plans to the application for the same reasons as originally stated. The more detailed plans indicate a building form that is not dissimilar from the adjacent existing dwelling but the development is in the Conservation Area, and in close proximity to the Church and contrary to the CHNP policies H7 (Design), E2 (Attracting New Business), E3 (Home Working).

Highway Authority

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority Background

The Local Highway Authority (LHA) has been consulted on a full application to rebuild and improve the old barn at Framland Lodge, 57 Church Lane, Long Clawson to provide facilities for a small cookery school and chef's table.

Site Access

The site access, which currently serves the existing dwelling, is located on Church Lane, an unclassified road subject to a 30mph speed limit. The proposed access arrangements are shown on Brooker Flynn Architects drawing number 19-1016-(02)AS-002 which demonstrates a 4.2m gated access, bound by a wall on the both sides.

In accordance with the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)), a commercial site access is required to be 6m in width, however the LHA is satisfied that this can be dealt with by way of planning condition. The Applicant is advised that this may require the existing gully fronting the site to be relocated; any works such as this as a result of the development proposal would be entirely at the Applicants expense. The LHA further advises that any proposed gates should be setback a distance of 5m from the back of the highway boundary in order to allow a vehicle to stand clear of the highway whilst operating the gate(s). As outlined above, the site is somewhat constrained, therefore the LHA will seek to secure a condition ensuring that the gates remain open for the hours of operation of the business to ensure that the gates do not impede on available parking provision.

The submitted site access drawing does not detail visibility splays, however the extant use of the access, without any evidence indicating any safety concerns, is noted. In addition to this, the LHA notes that the access will be required to be widened which will improve visibility.

Highway Safety

There have been no recorded personal injury collisions within 500m of the site within the last five years, the LHA therefore has no pre-existing highway safety concerns at this location.

Trip Generation

The submitted Supporting Statement details that cookery classes will operate 3 days per week, with a day class, half day class and one evening class. Notwithstanding this, limited details have been submitted regarding the operation of the site. The LHA understands that the Cookery School is anticipated to accommodate 8 attendees however no details regarding the number of attendees or the operation of the Chefs Table aside from the specified opening hours of Monday – Saturday 10am - 11pm have been provided.

Whilst the level of anticipated trips generated has not therefore been clearly demonstrated, given the small scale of the site, the LHA have no concerns regarding the level of trips that would be generated. Notwithstanding this, the LHA will seek to

secure a condition restricting the use and capacity of the site given the limitations of the site, which would not be conducive to two-way movements, the lack of turning and limited parking provision in order to ensure that the application would not have a detrimental impact on the highway network.

Internal Layout

Brooker Flynn Architects drawing number 19-1016-(02)AS-002 details the internal layout of site which demonstrates a total of 8 parking spaces. The built form of the site severely restricts the potential configuration of internal layout with regards to parking and turning.

Therefore whilst the submitted drawing demonstrates the maximum potential for on-site parking, there is no turning provision within the site when all parking spaces are occupied. This therefore would require vehicles to reverse either into the site or onto the highway, which would not typically be acceptable for commercial premises. Notwithstanding this, as outlined above, the development proposal is unique and the operation of the site could be suitably restricted by virtue of planning conditions which would therefore result in an acceptable development proposal. The LHA will therefore seek to secure the provision of a car park management plan in order to manage arrivals and departures at the site given the limited parking provision available and in order to minimise the impact on the highway network. The Applicant should give consideration to the time tabling of classes to ensure that there is sufficient time between classes to maximise use of the car park.

Due to the nature of the proposals, the LHA has no parking standards applicable for this type of use. Therefore without evidence to the contrary, the LHA do not consider it unreasonable to assume that attendees to the cookery school could arrive by private motor vehicle. In addition to this, it is noted that the parking provision for the development proposal occupies the whole potential parking area, therefore not maintaining parking provision for the existing residential dwelling. In addition to this, the LHA notes that the submitted Supporting Statement does identify that the occupants of the dwelling would work at the proposed business, and therefore it would be reasonable to expect that two vehicles in connection with residential use would also be parked at the site. This would therefore reduce the available customer parking to 6 spaces.

It is noted that there are no existing on-street parking controls on Church Lane; whilst the LHA does not encourage parking on the highway in association with any new developments, taking a pragmatic approach to the application and considering that Church Lane is an unclassified, lightly trafficked street, the LHA does not consider that the potential for two vehicles to park on the highway would cause unacceptable, severe harm to the highway network and therefore could not substantiate a reason for refusal on this basis.

Transport Sustainability

The nearest bus stops are located within 500m of the site and are served by hourly services between Bottesford and Melton Mowbray. It is noted that the latest bus to Bottesford departs at 18.55 hours and the latest bus departing for Melton Mowbray departs at 18.14 hours. The nearest train station is located in Melton Mowbray.

Therefore there are limited opportunities for sustainable modes of travel to the site, nevertheless, the LHA is satisfied for the Local Planning Authority to include this transport context in its wider sustainability considerations for the site.

Melton Borough Council Conservation Officer

Conservation recognises the precedent for development that has been set by the historic photograph of a 2 storey dwelling that was in situ on the site. However, any new dwelling in this location would therefore need to match the quality of this former dwelling, which appears to have been a traditional 2 storey vernacular house. As such the materials of the new dwelling would need to be in accordance with the following:

- Windows to be amended to traditional 1/1 timber sash
- Rain water goods to be half round aluminium or cast iron effect UPVS
- Treatment of upper storey to be finished below roofline with 2 courses of decorative corbelled eaves
- Pantiles to be clay non-interlocking
- No cloaking to the verges
- Brick external walls to be in an English or Flemish bond with snapped headers
- Elongated window on east elevation to be amended to a traditional upper floor opening sash
- Windows on the ground floor to be aligned with upper floor windows

If these amendments can be made the Conservation will not object to the proposal.

Ecology

The bat survey submitted in support of the application identified a Common Pipistrelle bat hibernating in the building. In the absence of mitigation the roost will be destroyed by the proposal. Hibernation roosts are important to the local bat population and specific mitigation must be in place to compensate for the loss of the existing roost. The report provides a mitigation plan which is proportionate to the findings of the survey, and compliance with this must be required as a condition to the development. Additionally, the proposed location of the bat hibernacula should be submitted to the LPA for approval. These should be cited in a location determined by the applicant's ecologist.

Historic England

No objection / no comments, refer to the Council's Conservation Officer.

Environmental Health

Commercial kitchens are typically associated with noise from extraction equipment and odours from cooking fumes. Depending on the proximity to sensitive receivers, the number of covers and the type of food prepared noise / smells can adversely impact on neighbour amenity. In this instance the proposed development is immediately situated in a residential setting, albeit Long Clawson is home to Long Clawson Dairy which plays a significant role in Melton – the rural capital of food.

Ordinarily a commercial kitchen in a residential setting would require noise and odour abatement as deemed appropriate by assessment. However, the relatively modest scale of development. The cooking school is artisan in nature, serving high quality food with limited cooking facilities and short operational times. Furthermore, the extraction system (as currently proposed) is situated on the gable end, discharges at height and is some 40m+ from the nearest dwelling. This set-up should afford good dilution and dispersion of odours and is likely to be sufficient to prevent a loss of residential amenity without any addition noise / odour abatement.

Nevertheless, in the interests of good planning, I would strongly advise the applicant (in liaison with their kitchen engineers) to design and install the extraction infrastructure in such a manner as would allow the easy retrofitting of noise / odour abatement equipment should this later become necessary.

Appendix B : Summary of representations received

Impact on Heritage Assets

Increased height of the proposed building and proximity to the Church (Grade II* listed means it will have an adverse impact on the Church, approx. 34 metres away. Also will have an adverse impact on the Grade II listed Old Vicarage 27 metres away. The development goes against the guidance and policies within:

- Historic England “The Setting of Heritage Assets, 2015 – Historic Environment Good Practice Advice in Planning:3”
- The NPPF, paras 184 and 190
- Melton Borough Council Policy EN13
- CHHNP and the Listed Building and Conservation Areas Act 1990

The proposal is within the Conservation Area, established in 1981, the Council has a duty to preserve and enhance this area.

The opening times of the cookery school is 6 days a week, and the Chef’s Table will be 4 days a week, 10:00-23:00, this will change the character of the area.

The two storey building is too dominant and too close to the Church

The proposal is not in keeping with the Conservation Area

Double height metal chimney would be detrimental to the Church (this was originally proposed on the initial submission, but has since been changed to a brick built chimney)

The area will become semi-commercial which is inappropriate in this area.

Lack of Design and Access Statement

There is no D&A statement, no assessment of numbers of visitors, parking and the

impact on the area.

Residential Amenity, Privacy & Smells

Concerns over cooking smells permeating the area for many hours (10:00-23:00) which will be extracted and disseminate across the area, much more than domestic premises. Cooking smells entering the Church would be undesirable.

Extraction from the kitchen would need proper assessment to avoid smells emanating from the building to the Church and neighbouring properties. It has not been assessed.

The upper floor window on the north elevation is unnecessary and should be removed, it overlooks the Old Vicarage.

The plans state that no trade waste will be generated which is wrong

Air pollution

The applicant cannot possibly control the smells that will be generated, in addition to the noise of clearing up afterwards.

Industrial sized waste bins that will be required will be smelly and ugly.

There has been no consultation with neighbours prior to submission.

Highways Safety & Parking

There is only space for approx. 4 cars next to Framland Lodge, with no turning space. Parking on Church Lane is inevitable along a road which is already busy during Church services, weddings and funerals.

No clear indication of the number of attendees of the cookery school and chef's table, which could overlap and pose serious parking problems.

The off road parking is limited, only taking perhaps 4 cars and is inadequate. This will lead to parking on Church Lane.

Church Lane does not need any more cars, traffic, parking

Parking will only get worse if the venture is successful

Minimising car use and incentivizing customers to use public transport and walking / cycling is unrealistic. Local transport connections are poor, this is 'pie in the sky'

The access is unsuitable and does not give a good view along Church Lane. If cars are parked on the lane visibility would be even worse.

There are misleading statements about HGV's accessing Church Lane. There are no tractors that have need to use it, no large vehicles are ever seen.

I see no problem, the parking can be accommodated on the site.

Noise

The impact of noise and light in close proximity to the Church. Noise from open

windows overlooking the Church grounds. Diners viewing the church and churchgoers viewing the diners will detract from the peace and tranquility of the Church and its grounds.

The proposed operating hours will impact on the whole area.

The closing time of the chef's table would impact on neighbouring properties with the noise of people departing late in the evening.

Residents should be able to enjoy the idyllic rural village setting that they bought into when relocating and enjoy the peace and quiet of country living.

Design & Quality of Plans

Comments referring to the initial submission since amended

- The plans are inadequate
- The submission does not provide suitable drawings to compare the current and proposed elevations
- Inadequate / no architect drawings, impossible to understand the development

Amendments to the plans have failed to address any of the objections made

Neither support nor object - Suggest that a conservation architect is employed to bring forward a design which is appropriate and in keeping.

Proposed Use of the Building / Economic Benefits

The application lists it as residential application when it is not.

This should be an application for change of use, which has not been mentioned in the form.

No benefit to the local community, the village can barely support a shop, butchers and pub.

There are many cookery schools and high end restaurants in the Vale and Melton area which operate from commercial premises with little or no impact on residents.

Plenty of better places for this available for rent / purchase with no need to convert a domestic property

When the pub tried to become a high end gastro pub it failed, therefore the business case is questionable.

There are no businesses on Church Lane, it is not the right place for it – this is a residential area. They are in the village centre.

The applicants sweeping statements regarding economic benefits are not underpinned by research.

There is passing reference to some courses requiring overnight accommodation, which would seem excessive for short day courses, so presumably the applicant is

expecting longer courses? This will cause even more disruption.

This should be supported, it would be a big asset to the village.

Appendix C: Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. This decision relates to the approved amended plans numbered and dated as follows:

- Site Location Plan 19-1016-(02)AS-001 Rev A received at these offices on 20th May 2019
- Proposed Floor Plans 19-1016-(16)BA-1001 Rev D received at these offices on 18th June 2019
- Proposed Floor Plans 19-1016-(20)AG-001 Rev D received at these offices on 18th June 2019
- Proposed Elevations 19-1016-(22)AE-001 Rev C received at these offices on 18th June 2019

Reason: For the avoidance of doubt; the initial plans being considered unsatisfactory.

3. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

4. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 6 metres and shall be surfaced in a bound material by a dropped crossing. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

5. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no replacement vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within 5 metres of the highway boundary unless hung to open

away from the highway. Any such gates shall remain open for the hours of operation of the business.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

6. The development hereby permitted shall not be occupied until such time as a car park management plan has been submitted and approved in writing by the Local Planning Authority parking. Thereafter the onsite parking provision as shown on Brooker Flynn Architects drawing number 19-1016-(02)AS-002 and management plan shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

7. The proposed development shall remain ancillary to the existing use of the site and shall not be occupied or operated separately from the remainder of the premises.

Reason: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2019) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the development hereby permitted shall not be attended by any more than 8 attendees at any given time.

Reason: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2019) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the Cookery School and Chefs Table shall not be in commercial use simultaneously.

Reason: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2019) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

10. Prior to the commencement of development, a scheme detailing mitigation and compensation measures relating to bats shall be submitted to and approved in writing by the local planning authority. The scheme shall detail:

1. The timing the work to avoid the bat hibernation period, which is typically December to February incl.);
2. A Natural England licensed (class 2 or above) bat ecologist attending any

work that could affect the hibernaculum (to check it and move the bats if necessary);

3. Providing two alternative hibernacula in advance of the subsequent winter;
4. A bat-friendly lighting scheme near the new hibernacula; and,
5. Two years of post-development monitoring of the new hibernacula, which should be maintained and retained for at least five years and longer if bats occupy them.

Reason: To protect the interests of protected species that will be impacted by the proposal.

Appendix D : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy
- Policy C7 – Rural Services
- Policy EC2 – Employment Growth in the Rural Area (Outside Melton Mowbray)
- Policy EC4 – Other Employment and Mixed-use Proposals
- Policy EC8 – Sustainable Tourism
- Policy EN1 Landscape.
- Policy EN6 Settlement Character.
- Policy EN13 – Heritage Assets
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1: Raising the Standard of Design.

Clawson, Hose and Harby Neighbourhood Plan (2018)

- Policy E2: Attracting New Business
- Policy E3: Home Working
- Policy H7: Housing Design
- Policy T4: Parking

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Planning Committee

1st August 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

18/01471/FUL: Top View, 3 Main Street, Burrough on the Hill

Proposed part demolition and creation of three detached dwellings.

1. Summary:

The site occupies an approximate rectangular shaped parcel of land accommodating a large predominantly single storey dwelling. The building is set back from the highway, served by a shared drive with Eastfield (1A) and The Gatehouse (1B) and is an approximate L shape. The rear garden lies to the north-east and north-west of the dwelling. There is countryside to the north and north-west and bungalows to the east.

The proposal comprises the proposed part demolition of the existing bungalow together with alterations and extensions to sub-divide into two dwellings. A further new build dwelling is also proposed.

2: Recommendations:

It is recommended that the application is refused.

3: Reasons for Recommendation:

The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Melton Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee due to the number of representations received.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.**

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area including heritage assets
- Impact upon residential amenities
- Highway Safety

5: Report Detail:

5.1 Position under the Development Plan policies

The site is within Burrough on the Hill and policies SS1-SS3 apply.

5.2 Principle of Development

The site is within Burrough on the Hill with the host dwelling being in close proximity to the neighbouring dwellings to the south-west which are served by the shared access drive. Burrough on the Hill is a Rural Settlement under the Local Plan. Policy SS1 supports the principle of sustainable development, Policy SS2 relates to the development strategy for the Borough and states that alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.

Policy SS3 states in rural settlements planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where:

1. The development provides housing which meets a proven local need as identified by substantive evidence, for example within in a Neighbourhood Plan or appropriate community-led strategy, or a housing assessment or other evidence provided by the applicant; and
2. Through repeated application will not result in a level or distribution of development that is inconsistent with the development strategy, and
3. The development respects the Borough's landscape and settlement character such that it conforms with policies EN1, EN4 and EN6; and that (where relevant), the design conforms with Policy D1 and applicable environmental policies in any relevant Neighbourhood Plan; and
4. The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement; and
5. The development respects ecological, heritage and biodiversity features and where appropriate provides mitigation to prevent any potential harm; and
6. Where possible the development does not result in the loss of best and most versatile agricultural land; and
7. The development can be adequately drained and would does not increase the risk of flooding, in accordance with Policy EN11.

In support of the application the Agent stated the following:

- There was a Housing Needs Assessment undertaken in April 2016 by Midlands Rural Housing. The Parish includes Somerby, Burrough and Pickwell and of the 381 properties it was sent to, 128 were completed (roughly a third). This identified a need for 5 market homes and 14 affordable homes in the Parish for those with a local connection. This included the need for 4 x 2 bedroom bungalows as open market purchase units. The fact that only 1 in 3 households completed this survey would suggest this should be considered the minimum need for the Parish;
- The new unit proposed is a 2 bedroom bungalow and as such clearly meets the identified need for the Parish. From a supply and demand perspective based against identified need, this should be sufficient to comply with Policy SS3. To my knowledge, only one new bungalow has been approved/provided in the Parish in the last 2 years. This was a garage conversion in Burrough but this was sold to someone, who I am informed previously lived in Asfordby and had no local connection with the village;
- Augmenting the need for housing, the more recent Somerby Parish Questionnaire (July 2017) was undertaken as part of the Neighbourhood Plan preparation. This provides more up to date and in depth responses from parishioners on housing needs and how these should be delivered. With responses from just under 400 people, it provides a good representation of the Parishes needs and desires, as governed by the residents themselves. Question 11 identifies strong support for small scale developments (less than 10 units) on sites that are within the settlement boundaries (infill development)

and reflect the character and density of the surrounding area. This describes the application site perfectly. Question 12 then specifies the number of respondents that considered what type of new dwellings are needed in the village. Smaller private units were noted as the highest requirement, followed by low cost purchase, additional need units, bungalows and then larger private properties. In particular these latter two are proposed as part of this development, and are identified as being needed by around a third of existing residents;

- These two documents both show the desire and need for such units within the Parish, and that in reality, the need for units is most likely greater than that identified in the Midlands Rural Housing Assessment. This includes for example, the requirements of the applicant which was not captured in the 2016 assessment;
- It has been indicated that specific individuals need to be identified for each unit, the lack of alternative accommodation being available in the village, and in this instance, whether the existing property could be subdivided to create the smaller bungalow that is required;
- It is intended that the applicant will downsize to Plot 3 – a four bedroom property, such that sufficient space is still available to accommodate their children and their family when they visit;
- The new bungalow (Plot 2) will be occupied by the applicants parents who are in their 80s. The proximity of plots 2 and 3 will allow palliative care and enable the parents to retain a degree of independence. The intention is that in time, once the parents have passed away, the applicant can then move into the bungalow (Plot 2), hopefully with one of their children and family then occupying the house (Plot 3);
- Plot 1 will provide in essence a three bedroom property, to which friends of the applicant have expressed a need for a smaller property at this scale and a desire to remain in the Parish. They currently reside in a large older stone property in Somerby with high running costs. They have in particular highlighted the benefits of being able to incorporate ground floor sleeping accommodation (and thus future proofing themselves), plus additional bedrooms to house family when visiting. Discussions have indicated that they are likely to convert the utility in the future to a bathroom to aid ground floor living;
- In terms of the availability of alternative accommodation, the subjective question is where to draw the boundary line. Arguably, the parish boundary, given the need has to come from within this area. In Burrough, there are currently two properties for sale: a five bedroom property with 15+ acres of land for in excess of £1.5 million. This is clearly not what is being proposed, being too large and incorporating a substantial holding which is not desired for downsizing/older residents and a four bedroom property with 1.17 acres of garden and paddock land priced at £650,000. This represents a sizable holding, which is not desirable for people wishing to downsize, particularly where there is no use for the paddock, which elevates the cost of the property due to its inclusion. In Somerby a substantial five bedroom property with a separate two bedroom cottage is for sale at £895,000. This provides a main property in excess of the unit size required, so is not practical. Secondly, the smaller unit has accommodation set over two floors so not suitable for less able bodied occupants, particularly as most accommodation is provided on

the first floor. There is also a four bedroom detached house priced at £895,000. This represents a substantially sized property, which is reflected in the high sale price. Its scale, although only four bedrooms, does not therefore represent a notable reduction in size from the existing accommodation for the intended occupants, whilst it also offers no bedrooms on the ground floor, so is more limited as to its potential use in the future by more ailing occupants. There is understandably, a desire to only need to move once by all parties involved. A three bedroom cottage is for sale at £310,000. This compact property is smaller than desired by the occupants of the two conversion units on the application site, and has accommodation set across two levels so is of no use for the bungalow occupants. It also incorporates no parking and a very small courtyard garden. This is not the sort of property that any of the interested parties are seeking to downsize to;

- Consequently, it is evident that from the small number of options available to purchase in the parish, there are no realistic alternatives, as those available are either too small, too large or not practical given the layout or quantity of land associated with them as retirement/downsizing units;
- Turning to the query of why the 2 bedroom bungalow cannot be created as part of the subdivision of the existing house, viability is the key reason. The existing house (Top View, 3 Main Street) was for sale during the latter part of 2018 with an asking price of £895,000. This was a reduced price from the £1,000,000 it was marketed for in early 2018. No offers were received for the property, reflecting a lack of demand for six bedroom properties in this location. The prices associated with the other units noted above indicate that this was a realistic value to be attributed to the property and land;
- As a subdivided unit, it is expected that plots 1 and 3 are likely to be valued at £690,000 and £560,000 respectively. This is comparable to the value as a single property, but it is expected that the additional service connections, demolition works, conversion, extensions and external works will cost in the order of £290,000 + VAT / £348,000 including VAT to undertake. This does not represent a viable option, without a third unit to increase the return on the site. [$£560k + £690k - £348k$ build/conversion costs for two units = £902k compared to current house value of £895k. These figures are subject to inflation and the rates per sq.m are conservative, so could easily increase];
- Likewise, if the extensions are omitted to plots 1 and 2, there are still costs associated with service connections, demolition works and internal conversions, such that both the end value and the project costs reduce almost equally; this results in the end value of the properties being less than the existing dwelling. Again, a third property is required to generate a viable development as a reduction in site value would prevent any alterations coming forward.

In addition to this, a letter from the parents of the applicants has been received, stating their health has deteriorated, acknowledging that assistance will be required to aid their daily lives, and the proposed subdivision of the property would allow them to live next to their family but independently.

Furthermore, a letter from a couple currently residing in Somerby states they have lived in a large dwelling in Somerby for many years and are looking to downsize which ideally would be a 3-4 bedroom dwelling on a single floor or a dwelling with at

least one bedroom on the ground floor and the ability to install a lift. No appropriate property has been on the market in the Parish and the proposed dwelling would suite these needs.

The test to comply with Policy SS3 is set high to reflect the limited number of dwellings that are to be provided under this policy and to ensure new dwellings in such villages are approved only when they meet a **proven, local need**. Although no objection is raised in principle to the subdivision of the existing property it is not clear why this property could not be subdivided to provide the accommodation sought to allow the current occupiers to downsize and to provide a separate unit of accommodation to accommodate their parents. This would negate the need for the additional third dwelling on the site. Although evidence has been submitted to demonstrate there is a couple interested in living in part of the dwelling to be subdivided, there is little evidence to demonstrate they have to live in Burrough rather than elsewhere within the Parish or that alternative existing accommodation will not come onto the market in the short term future.

As such, a convincing case to justify the third dwelling on the site has not been made in order to comply with the strict criteria of Policy SS3. It appears alternative proposals could be implemented which subdivide the additional property into two smaller units which could satisfactorily accommodate the current occupiers and their parents.

As such, the principle of development is not acceptable.

5.3 Impact upon the character of the area

Policy D1 of the Local Plan states that all new developments should be of high-quality design. Development proposals will be assessed against criteria including the siting and layout must be sympathetic to the character of the area, new development should meet basic design principles, buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design, existing trees and hedges should be utilized, together with new landscaping, to negate the effects of development and development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

Policy EN1 of the Local Plan requires development to be sensitive to its landscape setting and to respect existing landscape character and features. In addition, development will be supported where it does not have an unacceptable adverse effect upon an area's sense of place and local distinctiveness or upon areas of tranquility. Policy EN6 relates to settlement character and states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement. Policy SS3 refers to landscape and settlement character. Policy EN13 refers to heritage assets as the site is within the conservation area.

The site lies within the Conservation Area; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') imposes a requirement in relation to the consideration and determination of planning applications which affect

conservation areas, that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

The existing dwelling covers a substantial footprint but is predominantly single storey and is set well back from the highway. As a result, it is not a prominent building despite occupying an edge of settlement location. The proposal to subdivide and alter the existing dwelling would result in the partial demolition of the dwelling to allow access through to the proposed Plot 2. Alterations would result in the creation of two x four bedroom dwellings in place of the existing single 5/6 bedroom dwelling. Visually, the proposed subdivided dwellings would be acceptable, with the relatively low lying building forms being retained. First floor accommodation would be provided; however, the dwellings would retain the appearance of dormer bungalows and due to the siting within the plot would have a limited visual impact beyond the site boundaries.

Plot 2 would be a new building utilising a modern design approach but would be single storey and of a low profile. It would take the built form closer to the boundary with the open countryside. However, the dwelling would be contained within the existing curtilage and given the limited size and scale, would not result in a dominant structure within the settlement.

The impact on dark skies and the scheduled monument have also been considered; however, given the relatively limited scale of proposals, it is not considered there are grounds to resist the proposal.

The site forms a large curtilage on the edge of the settlement with the existing dwelling set towards the east of the plot. The proposed works to the existing building would have a limited visual impact beyond the site given the siting, scale and design of the proposals. The proposed additional new dwelling would take the built form closer to the western boundary of the site; however, it would be small-scale and low level and set away from the site boundaries. Subject to suitable materials and landscaping it is not considered the proposal would be harmful to the character or appearance of the conservation area.

As such, the proposals are considered to acceptable on the grounds of visual amenity and comply with the above policies and Act.

5.4 Impact upon residential amenities

Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. The site occupies something of a sheltered location and with the additional dwelling comprising a bungalow it is not considered the built form of the dwelling would unduly harm the amenities of occupiers of existing dwellings to the east. Adequate separation distances would be achieved. The access would run between two properties (those to be subdivided); however, the additional dwelling would generate only a limited amount of traffic which would not be at such a degree as to be harmful to the amenities of occupiers of each dwelling.

To the north, north-east and north-west the site borders open countryside. To the east the site borders single storey dwellings. The proposed units are generally set away from this boundary and the proposed alterations and extensions would have no undue adverse impact on these properties. To the south and south-west the site

borders 1A and 1B. The proposed development has been designed to ensure there would be no undue impact on these properties or the neighbouring property to the south-west.

Within the site the proposal would result in three dwellings. Generally the relationship between them would be satisfactory and adequate private amenity space would be provided.

The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with the NPPF and Policy D1 of the Local Plan.

5.5 Highway Safety

Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

The proposed layout would be served by an existing access. This has adequate visibility and allows vehicles to pull clear of the highway. Although the proposal would result in a more intensive use of the site traffic generation would not be at a level harmful to the local highway network or to highway safety.

Overall, it is considered there are no highway safety implications.

Consultation & Feedback

A site notice was posted, the application advertised and neighbouring properties consulted. As a result, 20 representations have been received, three in support and 17 objecting.

Financial Implications:

There are no financial implications identified.

Background Papers:

There is detailed history that includes 01/00432/FUL Proposed alterations to house and garage and new conservatory extension new wall and gate within site facing highway – Permitted. 02/00752/FUL Proposed conversion of workshop to dwelling, erection of car port, brick walls and timber gates and associated external works - Permitted.

Appendices:

- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

22nd July 2019

Report Author: Mr J Mitson, Planning Officer, Development Management

☎: 01664 502395

Appendix A : Consultation replies

Parish Council

Object on the grounds the application would create 2 x 4 bed houses and 1 x bungalow on a plot currently containing 1 bungalow, a net gain of 2 x 4 bed houses. The housing needs survey shows no requirement for 4 bed properties. Bungalows, for which there is a need, are not increased. This application overdevelops the site and does not achieve an appropriate density in relation to prevailing character of the area. Adding a first floor to Plots 1 and 3 means that these buildings are going to seriously overlook the immediate neighbours (especially on the western and south western sides), increasing the height of the building on the western side by 3 metres. The most immediate neighbour's property is 5 metres away. The first-floor additions will increase very significantly the light pollution from the site. This is a dark skies area which so many residents appreciate; it will no longer be such which will change the whole character of the area. This property is situated on a very prominent ridge, visible for miles, particularly from Burrough Hill Fort, our scheduled ancient monument. This development will adversely affect the view of Burrough from Burrough Hill both during daylight and night-time, when the increased light will be particularly damaging. Most immediate neighbours have serious concerns about the practicality, feasibility and safety of the actual build. The sole entrance and exit is via a single width road, the entrance of which is situated within less than 100 metres of a right angled bend in the main road. The traffic dangers are self-evident and provide another compelling reason why the application should be turned down. The traffic to and from the build will be enormously inconvenient and disruptive to immediate neighbours. When this application is considered it must be in conjunction with a detailed build and traffic plan which needs to address all the concerns. Insufficient

attention has been given to the parking required for the increase in vehicles resulting from 2 additional 4-bed properties. Although the application does seem to overdevelop the site compared to what is presently there, the proposed plots are still fairly generous by current standards. Plots 1 & 3 do not significantly change the existing footprint. Plot 2 does, but whilst not fairly described as in-fill, neither is it on open countryside. The impact of the increased height of Plot 3 on the immediate neighbours to the west is mitigated by the additional storey being a dormer window. It does not appear to overlook or overshadow the neighbour in a harmful way. LCC Highways guidance would only require 9 parking spaces and the proposal has 15.

LCC Footpaths Officer

Public Footpath D77 was diverted away from this site in 2016 and therefore is not directly affected by the development.

LCC Archaeology

No objection.

LCC Ecology

The ecology report is satisfactory. The building was not considered to be suitable to support a bat roost and no evidence of bats were recorded. No further surveys are required with regard to this species. The report also identifies that the pond to the north of the site has an average potential to support great crested newts (GCN). GCN have also previously been recorded just over 100m to the south of the site. The application site is currently sub-optimal for GCN and any potential risk can be managed through a Method Statement. Request that the application site is maintained as sub-optimal prior to the works commencing (not left to overgrow). The site should also be kept clean throughout the development, with spoil removed from site daily or retained in skips overnight.

Appendix B : Summary of representations received

Neighbours

3 representations received in support of the proposal on the grounds that the proposal in effect only proposes an additional bungalow and the subdivision of the existing dwelling which already has a first floor element, the application makes use of the garden rather than greenfield, the applicants are valued in the community, Melton has a housing need and Burrough can make a contribution, the proposed density is appropriate for the village, from within the village the visual impact is limited, beyond landscaping could help to mitigate the impact.

13 representations objecting of the grounds that the development would be out of keeping, over-development of the site, development is within the conservation area, access is a concern, development on the ridge will result in worsening light pollution, two storey development is out of keeping, urban housing not sympathetic to the village, there are limited facilities in the village, overlooking single storey dwellings, dangerous access for construction vehicles, site visible from the country park and hill

fort, grass roof not consistent with the area, additional pollution, loss of privacy, the property type is not needed, retention of dark skies is important.

Appendix C: Recommended Conditions

N/A

Appendix D : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy SS3 Sustainable Communities (Unallocated Sites)
- Policy C2 Housing Mix.
- Policy EN1 Landscape.
- Policy EN6 Settlement Character.
- Policy EN8 Climate Change.
- Policy EN13 Heritage Assets.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN4 Broadband.
- Policy D1: Raising the Standard of Design.

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Planning Committee

1st August July 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

18/01434/FUL: Penlan, 21 Baggrave End Barsby LE7 4RB

Proposed demolition of existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works

1. Summary:

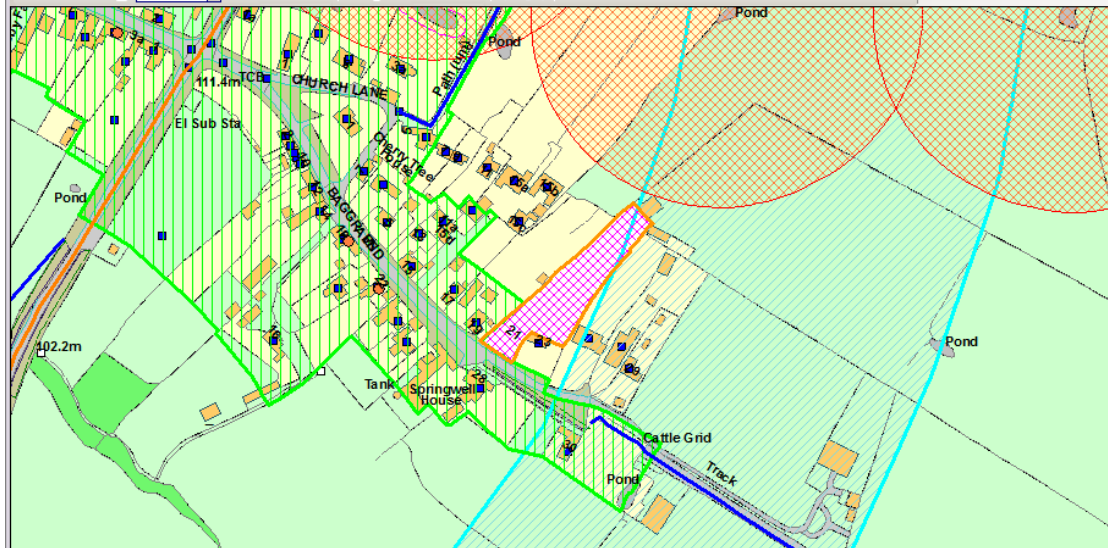
The application seeks full planning permission for the demolition of the existing dwelling house known as Penlan, and its replacement with a new 3 bed house, the demolition of existing outbuildings/farm buildings to the rear, and the erection of three further houses (two 3 bed and one 4 bed) on that rear land, together with alterations to access, provision of parking and associated works, at Penlan, 21 Baggrave End, Barsby, and that land lying to the rear of the curtilage of Penlan, described as farm yard and farm buildings.

The site is located immediately adjacent to the defined Conservation Area for Barsby.

The originally submitted application showed an improved private driveway leading off the existing access onto Baggrave End, running close to the sites north-western boundary, serving 4 new dwellings, one of which (Plot 4) is a replacement two storey house to be built on the site of the existing 4 bed house known as Penlan. The other Plots 3,2, and 1 are shown with two storey houses, located in a linear form behind the frontage dwelling at Plot 4 on that rising land currently occupied by a range of derelict farmyard/buildings, which are to be demolished. Following concerns expressed by the Local Highway Authority(LHA), amended plans and an Accompanying Highway Report prepared by consultants for the applicant, were submitted showing slight changes in the proposed access alterations and turning circle arrangements. The LHA have subsequently indicated that they will no longer seek to resist the proposal in the light of these amendments.

In support of the proposal, the Agent has submitted various supporting documents, Reports and Statements, and has referred to the results of a Housing Needs Survey in the Parish carried out by the applicant. Due to the sensitive nature of the personal information contained in the Survey responses, these have been made available on a confidential basis.

The Housing Needs Survey has been undertaken in an effort to provide evidence that the new housing proposed will meet a proven local need, as required by the provisions of Policy SS3 of the Melton Local Plan, given that the site is situated within Barsby, which is defined as a Rural Settlement in the Local Plan, where Policy SS3 seeks to restrict new housing in such settlements to that which is based on a proven local need as identified by substantive evidence



2: Recommendations:

It is recommended that planning permission is Refused

3: Reasons for Recommendation:

1. Other than the replacement dwelling proposed, the proposal would result in the erection of three market dwellings, without a convincing case to demonstrate a proven local need for the proposal. The development is in a location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal is therefore contrary to Policy SS3 of the Melton Local Plan which states that in Rural Settlements, such as Barsby, new housing development has to meet a proven local need as identified by substantive evidence. In the opinion of the Local Planning Authority, the proposal is not supported or justified by the required substantive evidence that would demonstrate compliance with Policy SS3, and would justify the granting of planning permission in this case.

2. In the opinion of the Local Planning Authority, the scheme, by reason of its form, scale, design and layout, would give rise to an over intensive, cramped development that is urban in nature and out of character with this village location, and not sympathetic to the site surroundings. The proposal, by reason of the siting, design and massing of the proposed dwellings, with their restricted amenity areas, would result in an obtrusive development that would be over bearing, and detrimental to the outlook, privacy and amenity of neighbours and neighbouring properties. For these reasons, the proposal is considered to conflict with Policy D1 of the Melton Local Plan, which requires all new development to be sympathetic to the character of the area, and that the amenity of neighbours and neighbouring properties should not be compromised.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee because the applicants Agent is a member of staff.

Relevant Policies

The Melton Local Plan (MLP) 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- . No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date' in reaction to this application**

Please see Appendix C for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Position under the Development Plan Policies
- Principle of development
- Impact upon the character of the area
- Impact upon residential amenities
- Highway safety
- Impact upon the Conservation Area

5: Report Detail:

5.1 Position under the Development Plan policies

The site occupies a location within Barsby and policies SS1-SS3 apply

Relevant Planning History

Under reference 18/00430/FUL an application for the demolition of the dwelling, outbuildings and farm buildings and the erection of four dwellings was refused in 2018 on the following grounds:-

1. The dwellings proposed are considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitates sustainable development and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF (paragraph 17) and overall aims in creating sustainable development; and
2. The applicant has failed to identify a required need for the development which would meet a local need either identified in a Neighbourhood Plan or appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036

5.2 Principle of Development

The site is within the built up part of Barsby, Barsby itself is defined as a Rural Settlement in the Local Plan. Policy SS1 supports the principle of sustainable development. Policy SS2 sets out the development strategy for the Borough and states that alongside Service centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3. Policy SS3 supports new dwellings in such villages **only where there is a proven local need**. This policy requires a demonstration that the development provides housing which meets a proven local need otherwise unfulfilled, as identified by substantive evidence, for example within a Neighbourhood Plan or appropriate community-led strategy or a housing needs assessment or other evidence provided by the applicant.

In confirming the nature of the proposal and to address the policy requirements, the Agent has confirmed that the scheme relates to the erection of three dwellings, and the replacement of the existing dwelling. As regards the three new dwellings, the applicant has carried out a housing needs survey in the Parish in support of the application in terms of satisfying Policy SS3. Due to the sensitive nature of the information contained in the survey responses these have been provided on a confidential basis.

In terms of the issue of whether the proposed housing meets a local need, the Agent has referred to the Housing Needs Survey which was carried out by Midlands Rural Housing in conjunction with Melton Borough Council in February 2017 covering

Barsby. This was part of a group of surveys which also covered Gaddesb. In May 2017 they were followed by a detailed investigation into the Housing needs of Gaddesby, Barsby and Ashby Folville. The outcome demonstrated a need for the next five years of up to five affordable dwellings and eight market houses for local people enabling them to be suitably housed in the community. Of these eight dwellings two sought three-bedroom dwellings. The Agent also refers to the Housing Needs Study conducted for the Borough by JG Consulting in 2016, which concluded that there remained a surplus of larger family homes, with additional small two and three-bedroom properties being particularly required to rebalance the existing stock.

The Agent refers to the previous decision on 18/00430/FUL and that following this refusal, discussions between the applicant and the Local Planning Authority, suggested that a housing needs assessment would be required to demonstrate a proven local need for the dwellings sought. The applicant therefore carried out a survey of households within the Parish of Gaddesby, to include the villages of Barsby, Ashby Folville and Gaddesby. The survey was based on the questionnaire sent by Midlands Rural housing in 2017. A covering letter to explain the purpose of the survey ie to identify local housing needs in the Parish, was sent with each questionnaire together with a stamped addressed envelope. While a number of positive respondents were received three were chosen to demonstrate compliance with Policy SS3

For Barsby specifically, two respondents stated a need for housing in the village:

- the first currently lived in Syston and had a local connection with the village through owning land in the village. The house required could only be provided in Barsby as that is where the agricultural holding is located. A three-bedroom dwelling or bungalow was required by the respondent.
- A second respondent stated that they required another house in the Parish as their present house is too small. They currently lived in Barsby and did not wish to leave the village. The respondent worked from home and required a larger house which would provide an office, and it was stated that a four-bedroom was sought.
- a current resident of Gaddesby identified a need for a house in Barsby due to owning agricultural land there and would be happy to move to Barsby should a suitable property become available. They required a three or four bedroom dwelling.
- A further respondent stated former members of their household had left the Parish in the last 5 years and someone currently living in their household needs to set up home separately in the Parish in the next 5 years and stated a three bedroom dwelling would be required and that Barsby would be acceptable.
- Another respondent stated an occupant of the current household would need to set up a home separately within the next five years who was born in the Parish and have family living in the Parish. A two- or three-bedroom dwelling was sought in Barsby to satisfy this requirement. The respondent currently resides in Ashby Folville.

- A further correspondent, also living in Ashby Folville and following a family break up also seeking a two or three bedroom dwelling and would accept Barsby as a location.

Following this, the applicant has carried out follow up work with a number of respondents who expressed a need for housing in Barsby. The Agent has submitted a Table setting out the respondents who have identified a need for housing in Barsby. Of these new respondents, two local residents of Barsby residing at the same address, are 76 and 74, reside in a 4 bed dwelling and have lived in the Parish for between 2 and 5 years, and have identified a need for another home in Barsby within 1-3 years as their present home is too expensive to maintain in their retirement. They have family who live nearby and seek to downsize to a smaller property, and their current garden is becoming too large to manage. They wish to stay in the village they love with their son and grandchildren living close by, and consider the proposed dwellings are ideal to their future needs in retirement, providing a modern dwelling with limited maintenance, and their daughter is returning to the area, and may be interested in one of the other properties, to assist in looking after them. A second new respondent is a Barsby resident who currently lives with his wife, and has lived there for between 5 and 10 years. They are divorcing and while one partner of this couple is to stay in the current dwelling, the other partner requires a new 3 bed house as soon as possible and ideally within the next year, and both have close family in the area. The final new respondent is a resident of Gaddesby who lives there with her husband and 2 young children (aged 1 and 5). They have lived in the Parish for 5-10 years and seek a larger house which provides a greater area of family room. The children go/will go to Gaddesby school, and they have family living in neighbouring villages, and their current village does not currently have suitable properties available.

In all of the above 3 cases, the agent points out that efforts have been made to find suitable properties in Barsby (in the first two cases) and in the Parish in the third case., but no suitable properties have become available. In addition to these 3 new respondents, the cases of some of the original respondents have been investigated further. A couple aged 58 and 62, parents of a 34 year who lives with them, currently own a 2 bed bungalow in Syston and have lived there for more than 10 years having moved away from the Parish. They now wish to return and want to be closer to land they own in Barsby next to the application site. They have owned this land for 27 years during which time it has been used for a small farming operation. They would now like a dwelling close by to support and help their son expand the family business as they are approaching retirement age and would like to support and advise their younger family. Their son was also an original respondent who with his partner own their own 3 bed house in Gaddesby, and having lived there for less than 3 years, now need to be closer to livestock on the land at Barsby. The family own this land next to the application site which was purchased originally by his grandfather and has been in the family ever since (the grandfather is actually buried on the site). They use the land as a smallholding with 30-40 cattle, 70-150 sheep, 6-10 pigs and a large number of ducks. Livestock is bred for meat with business being one of the main suppliers to butchers in Mountsorrel. They also sell meat and eggs to individuals. They are in the process of buying more land adjacent and the intention is to double the livestock numbers to expand the family business. They have been looking to move to Barsby for 10 years but suitable houses for purchase or rent

rarely become available in the open market, especially in close proximity to this land. They consider it increasingly important to be close to land as it is a 24 hour job in order to carry out the day to day process, reduce the chance of theft, react to weather changes. This is a key element in their expansion plans which also involve them expecting their first child and wish to sort out the housing requirement. One of the plots proposed would suit this requirement and would negate the need for an application for a temporary and then hopefully a permanent farmhouse on the land.

A further original respondent, is 54 years old and currently rents a cottage in Ashby Folville with her 20 year old son. They are renting a 2 bed house from a private landlord and have lived there for 5-10 years. This respondent is now looking to buy a new home for the two of them, and is seeking a 2-3 bed dwelling, semi-detached or detached, with the stipulation it must be within the parish as she works close by, has family and friends in the Parish and was born and grew up in the Parish, and does not want to rent any longer.

The Agent highlights that there has been a significant positive response to the housing needs survey for Barsby. The analysis, he claims, demonstrates a number of the original respondents are still requiring a dwelling in Barsby and the new respondents demonstrate how fluid the need for housing can be as they are in addition to the original survey. It is stated that the results demonstrate there is significant proven local need for the proposed housing (albeit with Plot 1 needed to be revised to a 3 bed dwelling from a currently proposed 4 bed, to reflect the proven local need). This, it is stated, is in addition to the demonstration of local need arising from the Midland Rural Housing survey and the Borough wide survey which highlighted a general need for 2 and 3 bed dwellings.

The Agent states that, the survey work has demonstrated that there is a proven local need for more than three 3 x three-or four-bedroom houses in Barsby. The application seeks permission for three/four bed dwellings in Barsby and this number and mix is reflected in the results of the housing needs survey. It is therefore considered that the application is now supported by a proven local need and that the grounds for refusal on the previous application have been overcome, and that the proposal complies with the proven local need element of Policy SS3. Due to the confidential nature of the questionnaire, containing private information, the Agent confirmed that the returned questionnaires did not form part of the submission of the planning application. However, it was stated that the applicant was happy to meet with the Planning officer to discuss the results and to provide evidence of the results which included the actual returned questionnaires.

In terms of the other criteria set out in Policy SS3 , which are unrelated to the matter of 'housing which meets a proven local need', the Agent sets out his conclusion that the scheme adequately meets these criteria requirements. In terms of Policy C2 of the Local Plan which sets out to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer, the Agent states that the proposal would provide a housing mix which reflects the housing mix needs of the Borough and complies with the local and national policies and guidance. The existing four bedroom dwelling would be replaced by a new four bedroom dwelling and the erection of three additional dwellings all with three bedrooms, would in the Agents view, provide a suitable mix of housing.

As a background to the application, the Agent has referred to the previous application being formulated to the adoption of the Local Plan and prior to this being in the latter stages of adoption, understanding and interpretation of Policy SS3, the weight afforded to the emerging Local Plan, the Councils 5 year housing land supply etc were somewhat different to the current situation. The original application was submitted for the replacement of the existing dwelling and the erection of 3 dwellings. This relied on a general Borough wide need for housing and the material considerations of the proposal enhancing the site and conservation area. The application was refused on the basis that Barsby was an unsustainable location for new housing and insufficient evidence was provided to demonstrate proven local need. This background led to the carrying out of the Parish wide housing needs survey to supplement the Midland Rural Housing Survey carried out before.

The Agents submitted, with the current planning application, a Planning and Design and Access Statement states the following conclusion:-

“As demonstrated within the Statement and the Heritage Impact Assessment the proposal is considered to be compliant with the Framework and local policies in terms of visual impact, residential amenity, highway safety and ecology. There would be a significant visual gain through the removal of the 1960’s dwelling including the flat roof elements to the front of the property and the removal of the unsightly and extensive range of dilapidated agricultural buildings to the rear. These would be replaced with attractive, well designed dwellings which would enhance the site and surroundings and lead to an enhancement of the adjacent Conservation Area. The housing to be provided would comprise three three-bedroom dwellings to meet a proven local need together with a single four-bedroom dwelling. The dwellings would have a satisfactory relationship with neighbouring properties and the ecological survey demonstrates that there would be no harm to protected species, subject to an emergence survey. The proposal would lead to a highway gain through the access improvements, removal of the garage and the removal of the agricultural use which could potentially lead to access by large and slow-moving vehicles. The most pertinent policy issue is the principle of the three additional houses on this site in light of the sustainability credentials of Barsby. The housing needs survey demonstrates a proven local need for the three additional houses proposed and therefore complies with Policy SS3 and overcomes the previous grounds for refusal”

In terms of the extent to which the planning application (with its supporting survey and material submitted by the Agent) complies with Policy SS3, it is important to bear in mind, that the test of compliance with this policy is set high to reflect the limited number of dwellings that are to be provided under this policy and to ensure new dwellings in such settlements, are approved only when they meet a proven, local need as identified by substantive evidence. In this case, it is considered that what has been submitted does not demonstrate that the test has been met. The ‘exception’ within Policy SS3 is to meet very special local need circumstances that are over and above the general housing need that is catered for within Policy SS2 and housing allocations provided in the Local Plan. The survey returns referred to, are not specific to the localised area, and refer to the Parish, which includes Gaddesby where there may be several sites available to meet housing need and significant housing allocation (34) have been provided.. The requests for new housing in Barsby more reflect personal desires to live in this village location including those arising from varied personal

circumstances, or what could be termed market demand including a desire to live in a more appropriate type of dwelling such as a bungalow or smaller 2 bed dwelling, or do not demonstrate why respondents have to live in Barsby, rather than in more sustainable locations, elsewhere in the Parish. The submitted proposal, in general, does not tie the proposed dwellings to particular persons needs, and in the absence of such ties (for example, personal occupancy restrictions), the dwellings could be bought and sold on the open market. The 'exception' within Policy SS3 is to meet very special local need: circumstances that are over and above the general housing need that is catered for in Policy SS2. In consequence, the requests for new housing in this location, and the terms of the planning application, are not considered to constitute the necessary substantive evidence to meet the strict proven local need criterion framed within Policy SS3.

As regards, the issue of housing mix and the terms of Policy C2, given that no objections are raised to the principle of a one for one replacement dwelling, the other elements of the scheme for 3 dwellings represent a limited number, and it is not considered that an objection should be raised on C2 grounds given this limited scale.

However, it is not considered sufficient and compelling evidence has been provided to demonstrate a proven local need will be met, as required by Policy SS3, and as such, the proposal is considered to be contrary to Policy SS3, and as such the principle of development is not acceptable

5.4 Impact upon the character of the area

While it is considered that the proposed one for one replacement of the neglected dwelling known as Penlan is, in principle, a reasonable element of the application, when one considers the scheme as a whole, it is proposing a form, scale and layout, that is out of character with the local area, representing an excessive, over intensive development with an urban form in this village location. The replacement dwelling for Penlan is shown with a siting that shows a long side elevation close to the side boundary of the plot, and the 3 dwellings to the rear with their parking, garaging and restricted amenity areas, combine to show a cramped form of development that is not sympathetic to the character of the area.

It is considered that the proposal would not comply with Policy D1 of the Melton Local Plan which requires new development to be of high quality design where siting and layout must be sympathetic to the character of the area

5.5 Impact upon residential amenities

Given the layout of the proposed development with the siting and number of dwellings of two storey form with restricted rear gardens, set in a linear arrangement extending rearwards, it is considered that this would give rise to an obtrusive development that would be over bearing, and detrimental to the outlook, privacy and amenity of neighbours and neighbouring properties. The submitted drawings show a small area of land to the rear of Penlan with the notation 'Donated to neighbour if planning granted', thereby increasing the domestic garden to the adjacent dwelling, assumed to be No 23 Baggrave End, which indicates an intention to change land

ownership, to the benefit of this adjacent dwelling.

It is considered the proposal would not comply with Policy D1 of the Melton Local Plan which requires new development to be of high quality design where the amenity of neighbours and neighbouring properties should not be compromised.

5.6 Highway Safety

The locally expressed concerns regarding highway safety and related parking issues are noted. In view of the finalised comments of the Local Highway Authority who have confirmed that they would no longer seek to resist the proposal, it is not considered appropriate to raise objection to the scheme in terms of the highways aspects.

It is considered that the proposal does not conflict with Policy IN2 and Policy D1 of the Melton Local Plan in relation to highway safety and access matters

5.7 Impact upon the Conservation Area

In view of the site's location adjacent to the Conservation Area, rather than being within it, and by virtue of the relatively limited scale of the proposed development, it is not considered that there would be an adverse impact upon the wider character and appearance of the Conservation Area. Indeed, a suitable redevelopment of the site, putting aside the details of any such scheme, would lead to the removal of these neglected former pig farm buildings, which are semi-derelict.

Overall, it is considered that the proposal does not conflict with Policy EN13 of the Melton Local Plan in relation to heritage assets

Consultation & Feedback

A site notice was posted and the Gaddesby Parish Council and neighbouring occupiers were consulted on the original plan, and the amended plans. As a result 15 letters of objection were received on the original consultation with one letter of no objections in principle, and then 6 letters of objection received on the second consultation.

Financial Implications:

None identified

Background Papers:

- Planning Application File 18/00430/FUL-Proposed demolition of the dwelling, outbuildings and farm buildings and the erection of four dwellings-Refused

Appendices:

A; Consultation responses
 B: Representations received
 C: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

2019

Report Author: Mr Stephen King, Planning Officer, Development Management

☎: 01664 502364

Appendix A : Consultation replies

The Gaddesby Parish Council (incorporating the villages of Ashby Folville, Barsby and Gaddesby):

a.The proposed site is far too small and narrow to accommodate four dwellings. The site would not allow for sufficient space for the provision of parking motor vehicles. In general terms, most households nowadays, own more than two vehicles. Baggrave End, is extremely narrow so would not allow for the parking of motor vehicles outside the site.

b.The entrance and exit to the site is narrow, so vision would be limited when exiting the site

c.If new dwellings are positioned on the site as per the plans received, there would be a loss of privacy to the existing nearby properties, ie numbers 19, 23 and 25

d.it has been reported to Gaddesby Parish Council that Great Crested Newts have been seen in the garden of Penlan

e.The village of Barsby has, in the last few years, seen a number of new properties being built. An additional four new dwellings would, in our opinion, take away the character of the small rural village

Leicestershire County Council are currently carrying out a consultation on the current 100

bus service. This service is indicated to be 'at risk' of being discontinued, therefore, if necessary the new homeowners would have to own a motor vehicle.

g. The water pressure of Baggrave End, Barsby is very low. Gaddesby Parish Council understand that many years ago, Severn Trent Water were planning to replace the existing water main-this was never carried out. It is understood that Severn Trent Water are unable to increase the water pressure because the main would burst. We would ask if the current pressure would be adequate to accommodate four additional properties?

h. Finally, we would ask that the Planning Officers and the Planning Committee visit the site so that they can fully appreciate the scale and size of the site.

We additionally note that the application has been refused on the following reasons:

- a. The dwellings proposed are considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitates sustainable development and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF (paragraph 17) and overall aims in creating sustainable development
- b. The applicant has failed to identify a required need for the development would meet a local need either identified in a Neighbourhood Plan or appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036

Gaddesby Parish Council are of the opinion that for these reasons would still apply

LCC Highways

The Local Highway Authority advice is that the residual cumulative impacts of the development are severe in accordance with the National Planning Policy framework (2018) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report

Background

The County Highway Authority (CHA) are in receipt of full planning application for a demolition of an existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works at the site of Penlan, 21 Baggrave End, Barsby, Leicester, LE7 4RB. Baggrave End road is an adopted unclassified road subject to a 30 mph speed limit.

Site Access

The visibility at the existing access does not comply with the Leicestershire Highway Design Guide(LHDG). This sets 43 metres visibility splays to the left and right direction from 2.4m setback of the middle of the access where highway boundary ends for roads that are subjected 30mph speed limit. Therefore, the County Highway Authority has concerns relating to highway safety for all highway users.

Access to the site will be served by the existing accesses to the Baggrave End Road. From

a setback of 2.4 metres, the existing visibility to the left is greater than 43 metres to access the Baggrave End Road. In accordance with LHDG, the required visibility splays to the left can be achieved. However, the visibility to the right is entirely restricted.

The CHA have reviewed the most recent 5 year collision data along the Baggrave End Road. There have been no record injury collisions within 500m in either direction of the access. Nonetheless, the increased use on the Baggrave End Road by way of the additional new three dwellings will lead to the increase use of an substandard access which does not afford appropriate visibility.

The applicant should consider optimising the location of the access to achieve required visibility.

LCC Ecology

This application will have a similar impact to the previous application on this site (18/00430/FUL). Comments remain the same:

The Ecological Survey submitted in support of the application (B J Collins, April 2018) identified that the main dwelling on site had a low potential to support roosting bats. The applicants attention should be drawn to the recommendations in the report for further survey, but these will not be required in support of the planning application, based on the Leicestershire and Rutland Bat Protocol. However we would recommend that an advisory note is added to any permission granted outlining the need to cease works in the unlikely event that protected species are discovered. The buildings also had some support nesting birds, The demolition works should therefore take place outside of the bird-breeding season.

Cadent Gas Ltd

The Network Technician has stated that Cadent Gas would not object as the LHP gas pipeline would not be affected..

In response to the amended proposal, the following consultation replies have been submitted:-

Gaddesby Parish Council

The previous comments submitted by Gaddesby Parish Council still apply

However, we would like to add in response to the additional information that the report is inaccurate, as it states that there are 'only four properties' accessed from the Lane beyond Penlan. Where in fact a working farm is situated at the top end of Baggrave End past the entrance to the site. Farm machinery uses Baggrave End on a daily and regular basis.

LCC Highways

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) previously advised refusal of this application for the demolition of existing dwelling, erection of a replacement dwelling, demolition of outbuildings/farm buildings and erection of three dwellings, alterations to access, provision of parking and associated works at Penlan, 21 Baggrave End, Barsby on 17th January 2019.

The advised refusal was on the basis that visibility splays in accordance with the Leicestershire Highway Design Guide (LHDG (available at <https://resources.leicestershire.gov.uk/lhdg>)) for a 30mph speed limit could not be achieved at the site access.

The LHA has noted that the position of the proposed access has been amended by a Rev G drawing which has been submitted alongside an Accompanying Highway Report (AHA), and that the red line boundary of the site has also been amended. The LHA comments that this revision increases visibility...but also that while the AHA states that visibility splays of 2.4m x 40m and 2.4mx 20m are achievable to the south- east and north-west respectively, it remains that this has not been demonstrated on a drawing. The LHA is satisfied that appropriate visibility to the south-east can be achieved. Notwithstanding this, the LHAs assessment of available visibility to the north-west, based on the submitted plans, show that 2.4m x 18m to a point 1m offset from the kerblines is achievable to the north-west.

The proposed 4.8m wide access is acceptable. Should the proposal be permitted, the LHA comment that they will seek to secure the reinstatement of any redundant access by way of planning condition. Parking throughout the site is acceptable. Whilst there is a turning facility to the south of Plot 3, therefore enabling turning within the site to allow for vehicles to enter and exit in forward gears only, due to the layout of the site it is likely that turning would occur on the private curtilage of Plot 1. Whilst the design does not accord with the LHDG, since the site is intended to remain in private ownership it is considered to be acceptable.

It is unlikely that the proposed residential development would create a significant intensification of trips compared to a pig farm (former use) and one residential dwelling. As the development cannot be considered as resulting in a significant intensification of use of a substandard access, and given the improved visibility following amendments to the site access, the LHA would no longer seek to resist the proposal.

The LHA concludes the following

The amendment to the red line boundary and site access has improved the available visibility to the north-west of the proposed site access. Notwithstanding this, the available splay of 2.4m x 20m, outlined as achievable in the submitted Accompanying Highway Report has not been demonstrated on a drawing. Furthermore, the LHAs assessment of this indicates that only 2.4m x 18m is achievable without encroaching on third- party land. For the purposes of clarity and ensuring that accurate conditions could be advised to the LPA, a site access drawing detailing visibility splays and a revised red line boundary of the site is required. Upon its receipt, the LHA should be in a position to advise the LPA that the

impact of the development proposal could be mitigated subject to suitable planning conditions.

Appendix B : Summary of representations received

Principle of Development

Reference to Barsby already having had its allocation of new housing built and more would be detrimental to the character of the village

The scheme does not aid in the delivery of a wide choice of high quality homes or widen opportunities for home ownership since the proposed dwellings are on a similar scale to existing properties. No opportunities for local younger people to own their own homes.

This proposal does not address the concerns and objections that the first planning application encountered and which was refused. This proposal is virtually identical, and previously stated objections remain, including the problems it would generate.

There are zero services in the village so this add to the population of the village that will need to rely on private transport, as public transport keeps being reduced. The property could be developed as a single dwelling as it is used today, which would add to the village

Little evidence to support the need for this type of dwelling in the village, and no real change in the circumstances since the previous refusal of planning permission. This new proposal will not have any less impact than the previous refused scheme.

Objection on grounds of sustainability, and services already inadequate with low water pressure, telecommunication speeds. There has already been excessive development of Baggrave End and it is now creating an oppressive environment.

One representation stating no objections subject to the assumption that the current trees and bushes that run along the eastern side of the paddock are not removed and hence still provide an adequate shield/barrier.

Highways aspects including issue of car parking

Numerous objections and concerns expressed over likely highways hazards and highway safety, including lack of parking here with likely problems for emergency and service vehicles being able to gain access to persons and properties. This could cause health risks, if emergency vehicles cannot gain access

Proposed entrance is substandard, and is a highway hazard. Access and visibility when turning from Penlan onto Baggrave End is very limited.

Increased traffic to this already overcrowded cul-de-sac which is unsuitable for such an increase from 4 additional houses. The current off-street parking provision is not sufficient for the size and number of houses. As a result more cars will end up being parked on an already overcrowded street, and this will have a material impact on

ability to get farm machinery to and from farm land at the end of Baggrave end.

The additional information submitted contains factual inaccuracies when it says there are only four properties accessed from the lane beyond Penlan-there is in fact a fifth property, an agricultural property at the end of the lane. Access to this farm is required several times a day, and even at night, so the claim that the proposal will remove potential farm traffic.... and provide an overall safety gain, is not accurate, as there is already daily farm traffic passing frequently along this narrow lane. Also, the current plot is not accessed by any agricultural machinery at present, so the proposal will not be remove this non-existent traffic.

Plans propose parking spaces that appear to be suitable for small vehicles only, with no visitor parking facilities, which will worsen the existing congestion problems.

Young children currently play in the street safely, and this benefit will be compromised by the resultant traffic increase

that cars will be parked on Ashby Road,

Traffic is already causing chaos in this area, and objections not overcome

These new houses and vehicles would increase traffic quantity and pose a real danger to the road safety of children

Scale and density of development

Numerous objections and concerns over the excessive number of sizeable dwellings proposed that represent an over development of this village site.

Impact on neighbouring properties and occupiers

Objections given scheme would cause detrimental effect through overlooking and loss of residential privacy. The land rises significantly and some of the proposed properties will lie on higher land than neighbours and look down in the direction of existing property. Two storey residences will be replacing single storey agricultural buildings will be to extreme detriment of privacy.

Undesirable increase in noise, dust and pollution, during and after construction.

Detrimental impact upon local residents and businesses being able to gain access to their properties, and existing residents and neighbours, would face problems of access

Detrimental increased drain on the already low water pressure, to the detriment of residents. Potential adverse impact of 16-20 new residents on the current water and sewage infrastructure

Adverse effect on the residential amenity of existing neighbours who would suffer noise, disturbance, overlooking, loss of privacy, overshadowing and road congestion

Following the submission of the first amended plan, objection expressed over likely detrimental effect caused to occupiers of adjacent houses including overlooking and loss of privacy so bungalows would be better. Siting of the 3 dwellings at the rear of the plot would be over bearing to neighbours, and it is not agreed that there are

sufficient separation distances involved in terms of impact on neighbouring properties. Comment that quality of life would be ruined to the detriment of existing residents.

Impact on character of area

Undesirable precedent being set making the areas character that of a modern housing estate rather than a rural community, and therefore no positive contribution being made to the character and distinctiveness of the area, or making Barsby a better place for its existing residents

Proposed new housing is not in keeping with the character of this small farming village, and scale and location is not appropriate. Excessive and undesirable density proposed for a small and attractive, historic village which is inappropriate. The village is a Conservation village and part of a Conservation Area, and this will damage the character of the local area. This aspect has been documented by the Borough Council, and barsby, as a Conservation Area, is an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance.

This mini-estate scheme will be to the detriment to the character and appearance and the conservation rights of Barsby. Unacceptable high density and over development of the area in comparison to what is already in place at the site. Over bearing and out of scale to what a cul-de-sac could sustain both in population and implications of increased traffic and congestion.

Appendix C: Applicable Development Plan Policies

Melton Local Plan

Policy SS1: Presumption in favour of Sustainable Development

Policy SS2: Development Strategy

Policy SS3: Sustainable Communities (unallocated sites)

Policy D1: Raising the Standard of Design

Policy IN2: Transport, Accessibility and Parking

Policy EN13: Heritage Assets

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Planning Committee

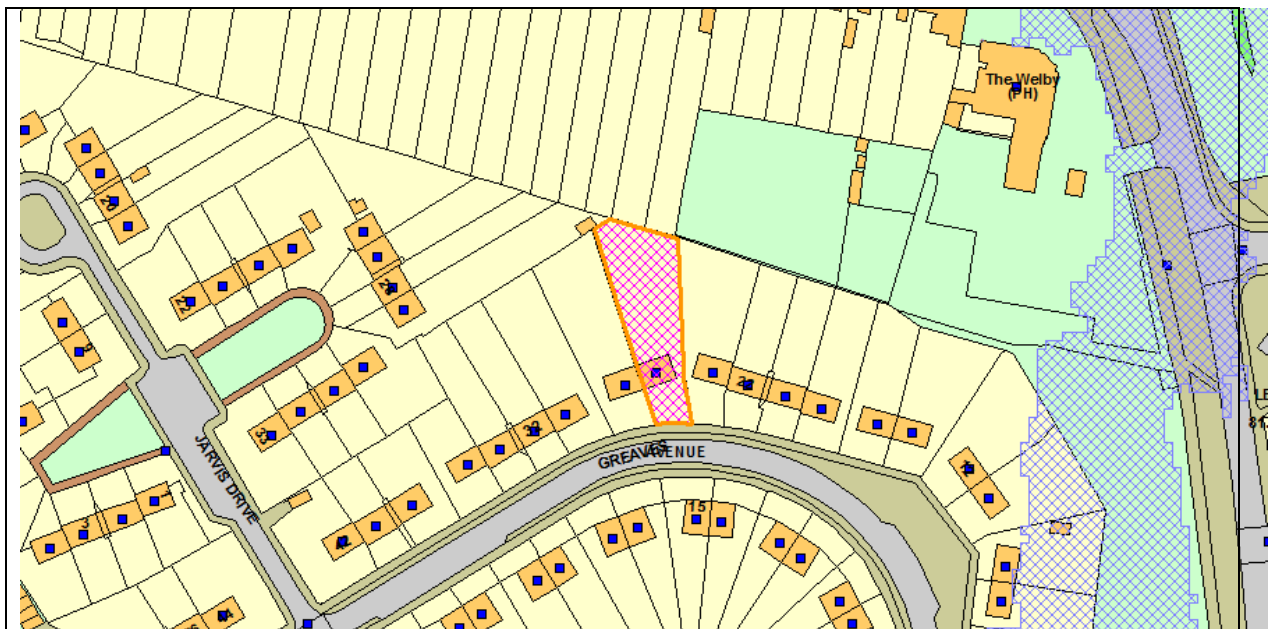
1st August 2019

Report of: Assistant Director of Strategic Planning and Reg. Services

19/00516/FULHH: 26 Greaves Avenue, Melton Mowbray LE13 0LE

Proposed single storey rear extension.

1. Summary:



The site comprises a two storey semi detached property located to the north side of the highway around the Avenue. The immediate area is characterised by Local Authority dwellings of similar styles with off street parking and long rear gardens.

The application proposes the construction of a single storey, rear extension to accommodate 2 double bedrooms and a bathroom to the ground floor, to provide adaptation for a carer including a lifting hoist internally. Constructed of materials to match the flat roof extension will have a staggered arrangement taking neighbours into account. With a resulting width matching that of the existing property, it will protrude 6 metres out along the west boundary and increase to a maximum of 8 metres into the rear garden.

2: Recommendations:

It is recommended that the application is approved.

3: Reasons for Recommendation:

By reason of siting and design and mass, would result in a development that would appear subservient to the host dwelling and be sympathetic to the character of the area, thus having no detrimental impact on the visual amenity of the site and the street scene. Proposed materials would ensure the development respects the existing dwelling and wider character of the area. The proposed development would therefore accord to Policy D1 of the Melton Local Plan and the overall aims of the National Planning Policy Framework 2019.

4: Key factors:

Reason for Committee Determination

The application is required to be presented to the Committee because the applicant is the Council itself.

Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.**

Main Issues

The main issues for this application are considered to be:

- Design
- Impact upon Character of the Area
- Impact on Residential Amenity
- Highways

5: Report Detail:

5.1 Principle of Development and Policy Compliance

The site lies within the town of Melton Mowbray and as such Policy SS1 is applicable where there is a presumption in favour of such sustainable development.

5.2 Design

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours and make adequate car parking provision

The site is positioned within a residential estate of similar Local Authority dwellings, located within the settlement of Melton Mowbray to the north of the town centre. It is considered that the design, size and scale of the proposed extension is sympathetic and that materials are reflective of the area and in keeping with the host dwelling. Furthermore there continues to be sufficient off road parking within the site. The proposal is therefore considered to meet the criteria set out within the Melton Local Plan Policy D1 and the NPPF.

As such, the principle of development is acceptable.

5.3 Impact upon the character of the area

The extension is single storey and will be sited to the rear of the host property, whereby it will barely be visible beyond the confines of the site. It will continue to be sympathetic in terms of scale and design and would not therefore have any adverse effect on the streetscene or the character and appearance of the area.

For these reasons above, it is considered the proposal will not have any detrimental impact on the streetscene and complies with Policy D1 of the Melton Local Plan and the objectives of the NPPF.

The character of the area would not be compromised

5.4 Impact upon residential amenities

The extension has been designed to be single storey and staggered, taking account of the neighbouring property. It will initially protrude 6 metres along the shared west boundary, characterised with close board fencing, then increases to 8 metres further in to the garden area but set away from both the west and the east boundary. The garden level increases to the rear and north, and there remains sufficient distance between the application site and properties to the rear that the relationship remains acceptable. Windows and doors have been sympathetically positioned so as not to overlook. It is therefore considered that the proposal would continue to provide a satisfactory level of amenity for existing and future occupants and accords with the relevant Plan Policy D1 and the objectives of the NPPF

Residential amenities will not be compromised by the proposal and is therefore considered acceptable.

5.4 Highways

The Highways Authority have not been consulted upon the proposal as parking remains unaffected. It is considered that the proposal continues to meet the guidance contained within the relevant Local Plan Policy D1.

The proposal is acceptable in terms of highways and parking

Consultation & Feedback

Seven neighbouring properties have been consulted and a site notice posted close to the site and as a result no letters of representation have been received to date.

Appendices:

- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval

22nd July 2019

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Appendix A : Consultation replies

None received.

Appendix B : Summary of representations received

None received .

Appendix C: Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The Development hereby permitted shall be constructed strictly in accordance with Drawing No A1-29-04-2019 submitted to the Local Planning Authority received on 7th May 2019.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as detailed on the plans dated 3rd May 2019 unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.

Appendix D : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy D1: Raising the Standard of Design.

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