

## Appendix A: Consultation Replies Summary

**Local Highway Authority:** 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 development, the impacts on the road network would not be severe.

Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

### Background

The Local Highway Authority (LHA) has been re-consulted on a full planning application for the redevelopment of Pera Business Park garden to a 77 bed dementia care home and 30 extra care apartments with an overall gross floor internal area (GIFA) of 6,763 sqm with associated parking and landscaping, with access via the existing business park entrance. The site is located at Pera Business Park, Nottingham Road, Melton Mowbray.

In its previous comments dated 23 November 2021, the LHA advised approval subject to conditions and contributions.

The LHA understand amended plans have now been submitted to Melton Borough Council in support of this planning application and these highway observations are in response to the following documents.

- Proposed Site Plan, drawing no. 7568-03-003 Rev H; and
- Proposed Entrance & Vehicle Tracking, drawing no. 7568-03-013 Rev B

Having reviewed the submitted documents, the LHA have no additional comments as the changes will have no impact on the public highway and therefore continue to advise approval subject to conditions and contributions as advised previously with the latest site plan conditioned.

### Conditions

1 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.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan drawing number 7568-03-003 Rev H. Thereafter the onsite parking provision 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

3. No part of the development hereby permitted shall be first occupied until a framework/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.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

#### Contributions

The provision of:

- a) Travel Packs for each employee to inform them what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- b) A six-month bus pass per employee (one application from to be included in Travel Packs and funded by the developer (can be supplied through LCC at (average) £510.00 per pass).
- c) Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures, as well as monitoring and implementation of remedial measures.
- d) This travel plan will be monitored by LCC Officers for the five-year duration of its life. Fees for this service are set at £6,000.00 for a travel plan.

Justification: in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use, to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement and to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application.

#### **East Leicestershire and Rutland Clinical Commissioning Group**

East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning.

As part of the responsibility ELR CCG financially support estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively ELR CCG will continue to request Section 106 contributions.

The development is proposing up to 70 units which, when based on the fact that this is a care home for dementia patients likely to have high demand for primary health care provision, we have applied 1 patient per bedroom which would result in an increased patient population of approximately 70. Any increase to the population that the Practice covers will mean that the practice will have to provide additional capacity to cope with the population growth and the funding request is for a second surgery in Melton Mowbray.

**MBC Regeneration Officer 7 September 2021:** The regeneration team at Melton Borough council generally welcomes the proposed plans at PERA as it provides a mix of uses in an edge of a town centre location that will generate additional spend and footfall into the town over the foreseeable future.

However, the regeneration team believe this development needs to be managed to ensure no future inadvertent knock-on effects that will ultimately be to the detriment of the market, how it functions and ultimately how successful it can be as it is a key economic generator for not only the town but the wider borough.

It is believed that the care home block, in its current proposed position, is currently situated too closely to the livestock market. The cattle market is fully operational twice weekly livestock auction days, not to mention farmers markets and other antiques fayres taking place regularly on site. Alongside, this the area hosts several regional events throughout the year and is developing into something of a food and drinks enterprise hub with recent investment secured to attract more evening based businesses to the site to drive the towns evening economy. Due to this the market will create higher than normal levels of noise throughout the year which invariable leads to complaints despite the livestock market has been in situ for hundreds of years.

As identified the livestock market is critical to Melton's success and due to this, we would not wish any development at the PERA site to generate large number of complaints which could jeopardise the existing and planned uses of the market. Due to this we believe the layout should be reconsidered to generate an additional sound boundary between the cattle market and also other mitigation measures such as appropriate landscaping between the facilities and appropriate choice of building materials etc.

**County Council Ecology:** I have referred to my colleague's comments made on 8 June 2021, and she was satisfied with the ecology information provided, and did not require any further surveys.

The landscape strategy is acceptable in this urban location. The SUDS features represent the main opportunity for enhancing wildlife but detailed designs will be needed in order to assess the value of this.

Note that bat surveys may be required of any trees that will be removed – refer to the Bat survey report for more information. I recommend this is a planning condition.

I note that a plan showing bat and bird locations has been produced. To review this, I do need some further information because I can't work out what the red/blue dots represent. The swift boxes should be placed in a group of three or more, separate to the bat boxes, rather than being scattered through the site. My apologies if I have missed

something – but I think this will need revisions to be acceptable. The bat boxes are fine on trees, but not swift boxes. The bat brick illustrated could not be placed on a tree. The position of the tree is also important – I cannot tell if the trees are suitable.

I feel that the input from an ecologist is needed to assist in placing these bird and bat boxes.

I do note, however, that my colleague was happy for this to be subject to planning condition and I do agree with this.

**County Council Forestry:** The landscape proposals on the whole are acceptable and the proposal to add to the existing Lime Avenue and the introduction of Black Poplars (if confirmed Native Black Poplar) to the site, both being of significant benefit to the site.

However, I would object to the use of a monoculture Holly Hedge at the frontage of the site along Nottingham Road. A range of mixed species trees and shrubs are to be removed from this area of the site, I would recommend that this is replaced with a mixed species hedgerow.

The Arboricultural Assessment provided is acceptable, and LCC Forestry agree with the categorisation of the trees. Should the application move forwards a thorough Arboricultural Method Statement should be submitted demonstrating the methodologies to be utilised to protect the retained trees throughout the course of the development.

**Lead Local Flood Authority (LLFA):** Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the site is located within Flood Zone 1 being at low risk of fluvial flooding and at low risk of surface water flooding. The applicant has provided a drainage strategy to discharge into a public sewer at Qbar via on site attenuation tanks for storage as well as a swale and attenuation basin for treatment. Acceptance in principle of the sites eventual outfall from Severn Trent Water has been provided.

Subsequent to the previous LLFA response the applicant has submitted new and amended drawings, including an updated site plan. Having checked this with what was submitted in the Flood Risk Assessment previously, it is advised that the changes do not impact on surface water drainage details all read supported by the LLFA. Therefore, the LLFA advice remains unchanged.

Note: The wording of our standard conditions has changed since our previous response and as such. The LPA should ensure the following conditions are applied and not those recommended previously.

#### **Advised Conditions**

1. 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. The development must be carried out in accordance with these approved details and completed prior to first occupation.  
Reason: to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
2. 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. The construction of the development must be carried out in accordance with these approved details.

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.

3. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 surface water drainage system (including sustainable drainage systems) within the proposed development.

**Severn Trent:** with reference to the above planning application the Company's observations regarding sewerage are as follows.

Foul is proposed to connect into the public combined water sewer, which will be subject to a formal section 106 sewer connection approval.

Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable method should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Due to the size of this development a sewer modelling study is required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

#### **Suggested Informative**

Severn Trent Water advises that although our statutory sewer records do not show any public sewers within the area you have specified. Due to recent change in legislation,

there could be sewers, which have transferred over to the Company that are not shown on the statutory sewer records but may be located on your client's land. These sewers will have protective strips that we will not allow to be built over. The sewers could be identified whilst the land is being surveyed. If this is the case, please contact us for further guidance upon discovery.

Please note there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where a diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

**Environmental Health Officer:** on behalf of Environmental Health and as statutory consultee to the Local Planning Authority, I make the following comments and observations.

Environmental health submitted initial consultation comments on this full application in September 2021. A revised noise report has been submitted to the LPA. This report has been undertaken by Tetra Tech ref 784-B028453 dated May 2022. Environmental Health also provide Tetra Tech with acoustic data pertaining to diesel engine driven jet washers used at Melton Cattle Market. I understand Tetra Tech have been liaising with Melton Cattle Market. As such, the revised noise report should reflect all relevant noise generating activities at the Market.

### **Legislative Context**

Addition of ProPG& AVO noted.

### **Assessment Criteria**

Table 2.1 is still contrary to Planning Policy.

### **Assessment Methodology**

Monitoring position SN5 still does not exist.

Table 3.7 lists Melton Cattle Market noise sources. Excluding EH provided data, the origin of the remaining dataset is unknown. It isn't known if the data is site specific – collated by Tetra Tech at the Cattle Market, or surrogate data – obtained by a third party from a donor site. Even the most basic information on data acquisition such as 'where', 'when', 'how' is absent. The dataset is prima facie, arbitrary. Confidence in the dataset is low.

This criticism extends to section 3.2.4 – Sainsbury's Service Yard, and I refer to my previous consultation comments:

"The use of surrogate data is acceptable but only where it is demonstrably representative. The source of the data should be disclosed, and the survey/data attached as an appendix (or referenced and made available on request)."

This information has still not been provided, nor has suitability of the data been justified. Confidence in the dataset is low.

Tetra Tech's data handling falls short of acceptable acoustic standards.

### **Assessment – Internal**

The ProPG assessment is medium risk.

Table 5.1, 5.2 & 5.3 are accepted. It is understood that the assessment findings – predicted noise levels at receptors R01-R14, are inclusive of all noise sources during their respective day/night periods. As such, it is considered a robust assessment and on-site noise levels are likely to be lower with occasional periods at the calculated higher levels, e.g., Market Day.

The findings are that all windows will need to be closed to achieve acceptable internal noise levels. This is a 'windows closed' acoustic mitigation solution. Habitable rooms on some facades will require enhanced glazing.

On balance, uncertainty associated with low confidence datasets are unlikely to materially change the assessments findings on this occasion.

### **Assessment – External**

The findings are that the majority of on-site amenity spaces (communal and private) are likely to experience noise above recommended external noise levels. The recommended noise level LAeq 55dBA may not be achievable on all occasions. Higher noise levels should be considered in context, e.g. The benefits of the locality, the functionality of the amenity space and access to communal/public open spaces.

It is acknowledged that all residents will have access to the communal grounds. Tetra Tech's suggestion of residents making use of the communal care home roof top terraces is not accepted. The extra care residents are unlikely to use these spaces. They might make use of local facilities such as Melton's parks which would be really accessible as a benefit or urban living.

However, PPG – Noise also states:

'Where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.'

It is evident that the terraces and balconies of the extra care apartments are sizable and dedicated private amenity spaces which, unlike the care home terraces, are likely to be regularly used as enjoyed. As such, Tetra Tech's 'do nothing' approach is not accepted. Whilst recommended external noise levels might not be achievable, the developer is required to consider mitigation to minimise and reduce noise impacts, e.g., Continuous glass balustrades to provide acoustic relief in a seated position.

### **AVO – Acoustics, Ventilation and over Overheating**

Planning Practice Guidance – Noise states.

'Whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living

conditions). In both cases a suitable alternative means of ventilation is likely to be necessary. Further information on ventilation can be found in the Building Regulations.'

Building Control: Approved Document - F describes three types of ventilation; extraction, whole dwelling and purge. AD-F section 4.16 states:

"For naturally ventilated buildings, it is common to use a combination of ventilators to achieve this strategy (e.g., for dwellings it is common to use intermittent extraction fans for extract ventilation, trickle ventilators for whole dwelling ventilation and windows for purge ventilation)."

This is known as 'system 1'. In respect of purge ventilation AD-F section 5.7 states: "Purge ventilation provision is required in each habitable room and should be capable of extracting a minimum of four air changes per hour (ach) per room directly to outside. Normally, openable windows or doors can provide this function, otherwise a mechanical extraction system should be provided'.

And Section 4.8:

"Purge ventilation provision may also be used to improve thermal comfort, although this is not controlled under the Building Regulations."

As such, where a windows closed acoustic mitigation solution is proposed, ventilation and overheating must also be considered. This includes purge ventilation for the regulation of thermal. Tetra Tech's AVO assessment is noticeable absent.

Developers may either:

- (1) Install mechanical extraction to habitable rooms subject to windows closed mitigation or
- (2) Perform the AVO stage 2 assessment to determine the noise impact should windows be opened for purge ventilation during an overheating event.

As Tetra Tech has not performed a stage 2 AVO assessment, mechanical extraction should be provided. A ventilation strategy has been submitted to the LPA. This report has been undertaken by The Engineering Workshop dated May 2022.

It is understood that habitable room on the care room eastern elevation will be served by a dedicated air handling system with a reversible heat pump to provide additional mechanical cooling. This is acceptable. The strategy doesn't make clear whether the remaining care home elevations will benefit from MVHR.

It is understood that all habitable rooms on all elevations of the extra care apartments will benefit from MVHR. This is AD-F System 4. Whilst System 4 MVHR is for whole building ventilation, the pre-cooling of intake air will assist in mitigating overheating. However, for habitable rooms of the extra care western elevation, additional mitigation measures are strongly advised.

The apartments on the western elevation are orientate southwest towards Nottingham Road and are (a) likely to pick up significant thermal gains during the long summer evenings and (b) most exposed to road traffic noise. These apartments are particularly



vulnerable to overheating and adverse noise impacts during overheating events. Additional mitigation measures should seek to:

- (1) reduce noise exposure
- (2) reduce thermal gains
- (3) increase ventilation/cooling

I refer to the suggested measures (1-4) in the Ventilation Strategy.

### **Summary**

An additional report should be submitted to the LPA detailing the finalised acoustics, glazing & ventilation mitigation scheme. This should include:

- (1) Selected glazing for habitable rooms on a façade-by façade basis.
- (2) Mitigation for the extra care apartments amenity spaces
- (3) Additional mitigation options for habitable rooms on the western elevation of the extra care apartments

In respect of internally generated noise – this has not been addressed in the existing acoustic reporting. See conditions below. The developer/consultant is advised to contact Environmental Health to discuss requirements.

### **Conditions**

No development shall take place until a finalised acoustics, glazing & ventilation mitigation scheme has been submitted to and approved by the Local Planning Authority

No development shall take place until a scheme for the insulation of the building in respect of noise and vibration so as to provide insulation against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall detail the internal layout of the building in respect of good acoustic design. Consideration needs to be given to adjacencies, both horizontal and vertical. In particular, how noise will be controlled from lifts, stairwells, external and communal doors, corridors, boiler plant, kitchen extraction and connecting pipework etc. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained through its occupation.

No burning of any materials shall take place on the site at any time

No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development

### **Informative**

In order to protect the natural environment from the effects of 'skyglow', the applicant is advised to consult with a lighting engineer to ensure that all exterior lighting is of a

suitable type, number and luminous power and all luminaries are suitably located, mounted, orientated and shielded.

### **MBC Housing Policy Officer 9 July 2021**

The proposal for the 77 bedrooms is for them to have en-suite wet rooms and the accommodation will be designed to be flexible to provide units for specialist nursing and dedicated dementia care.

The proposal for the 30 extra care apartments will provide a combination of one- and two-bedroom units, designed to enable older people to downsize and access care and support provided from the on-site care team.

The Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017) in section 9.6 states how there is projected to be a large rise in the number of people with dementia and table 61 shows that for the Borough of Melton over the period of 2011-2036, this is likely to rise by 119%. Section 9.29 states “there will, however, need to be a recognition that there may be some additional need for particular groups such as those requiring specialist nursing or for people with dementia”. The Melton Borough Council Housing Needs Study (2016) in section 7.38 also states the same.

The applicant has commissioned a Planning Need Assessment, prepared by Carterwood. The report is dated December 2020. This is a thorough report which shows there is an under supply of market standard care beds and extra care provision to meet current and future needs. The report also takes into account granted planning permissions for care homes and extra care, which are yet to be implemented. In conclusion, this application is supported.

### **Melton Local Plan Policy C2: Housing Mix**

Policy C2 states “proposals for retirement homes, sheltered homes and care homes will be supported and encouraged to meet the technical standard for access of Building Regulations 2015 Part M4 (2) or any subsequent revisions”.

### **Melton Local Plan Policy C4: Affordable Housing**

This care home provision falls within use class C2 and so is not required to provide affordable housing.

The extra care home provision falls within use class C3 and is required to make affordable housing provision. Policy C4 requires any site in Melton Mowbray to make an affordable housing provision of 5-10%. This would be up to 10% of the 30 extra care apartments, equating to 3 of the apartments. On site provision is normally required in the first instance. However, off site provision in the form of dwellings or as a financial commuted sum may be considered.

### **Housing Policy Officer 22 September 2022**

The housing policy comments should be read in conjunction with the comments dated 9<sup>th</sup> July 2021.

The proposal is now for a 70-bed care and 22 extra care apartments

The Leicester and Leicestershire Housing and Economic Development Needs Assessment (2017) in section 9.6 states how there is projected to be a large rise in the number of people with dementia and table 61 shows that for the Borough of Melton over the period of 2011-2036, this is likely to rise by 119%. Section 9.29 states “there will, however, need to be a recognition that there may be some additional need for particular groups such as those requiring specialist nursing or for people with dementia”. The Melton Borough Council Housing Needs Study (2016) in section 7.38 also states the same.

The applicant has commissioned a Planning need Assessment, prepared by Carterwood, dated December 2020. The report takes into account granted planning permissions, for car homes and extra care, which are yet to be implemented. In addition to the planning applications cited in the report, planning permission has been granted (on 13<sup>th</sup> April 2022) for a 60-bed care home, designed primarily to provide specialist dementia care, at the former Sandiccliffe garage site, Leicester Road, Melton Mowbray (20/01223/FUL).

**Melton Local Plan Policy C3: National Space Standards and Smaller Dwellings.**

Bedrooms need to be at least 12 square metres in size plus en-suite facilities, and at least 4.1 square metres of communal space (excluding corridors and entrance halls) per resident. I recommend the extra care apartments meet the minimum Nationally Described Space Standards.

**Melton Local Plan Policy C4: Affordable Housing**

The affordable housing requirement will now be 2 of the apartments (10% of the 22 extra care apartments). On site provision is normally required in the first instance. However, off site provision in the form of dwellings or as a financial commuted sum may be considered.