

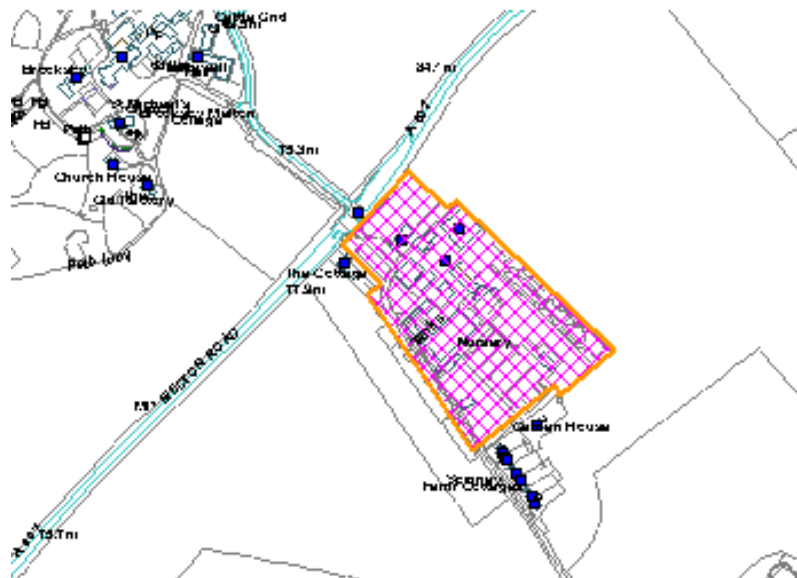
**Reference:** 16/00920/OUT

**Date submitted:** 07.12.2016

**Applicant:** Brooksby Melton College

**Location:** Spinney Campus - Brooksby Melton College, Melton Road, Brooksby Melton Mowbray

**Proposal:** Mixed use redevelopment of the disused education/agricultural complex at the Spinney, Brooksby for residential development (up to 70 dwellings), B1 development (up to 850 sq.m) and village shop 100 sq.m (A1) with means of access (outline application)



**Proposal :-**

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

Access to the site is proposed directly from the A607 and makes provision for an exiting bridleway at this point. The application is directly associated with application 16/00919/FUL for King St, Melton Mowbray elsewhere on this agenda which provides affordable housing as an ‘off site’ provision attributable to this development.

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

This development programme comprises the following,

- Improvements to the theatre at the Melton campus (value of £2.188 million)

- Provision of affordable housing on the King St campus (21 units)
- Repairs/improvement to Brooksby Hall (£350,000)

These sums are supported by a detailed explanation of costs and revenues that demonstrate how the proceeds from the development would support the above initiatives and why development of this site is therefore necessary for the fulfilment of those objectives..

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

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

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

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

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

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

#### **History:-**

1500246/OUT Mixed use redevelopment for residential development ( up to 70 dwellings) B1 development (up to 350 Sq Metres) and village shop 100 sq metres (A1) with means of access – **Not yet determined and held in abeyance with the Planning Inspectorate pending the outcome of this application.**

#### **Planning Policies:-**

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

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

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

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

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

**Policy C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met:

there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**Policy C13:** states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

**Policy C15:** states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

**The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Promoting sustainable transport**

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

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

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**Require Good Design**

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

**Conserving and enhancing the natural environment**

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

**Conserving and Enhancing the Historic Environment**

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p>The initial highway observations dated 6 March 2017 asked the Applicant to provide updated information on the current highway conditions to ensure a robust assessment of the impact of the proposed development on the highway.</p> <p>The CHA has had the opportunity to review the additional evidence included in the Addendum Transport Assessment (ATA) and the revised comments on this application are outlined below.</p> <p><u>Site Access</u> The HA has previously confirmed as part of planning application ref: 15/00246/OUT that the vehicular access to the site shown on BSP Consulting drawing ref: 15387-001 <b>Revision B is acceptable</b>. In addition to the site access the Applicant has identified some off site pedestrian improvement works as shown on BSP Consulting drawing ref: 15387-001 Revision B.</p> <p>In light of the resubmitted Application the CHA has taken the opportunity to review the proposed changes to the site access and additional off-site highway works. The CHA considers that the relocation of the site access and bus layby and the other off-site works will increase the number of conflict points on the highway and increase the risk of collisions (rear end shunts) for vehicles</p>	<p>The HA’s conclusion is that the access arrangements are not wholly necessary bearing in mind the recent accident record.</p> <p><b>On balance they consider that the development would not lead to a road safety position that could be described as ‘severe’ and therefore there is no basis for its refusal under the guidance of the NPPF.</b></p>

waiting at the proposed pedestrian crossing.

There have been no Personal Injury Collisions involving pedestrians during the last 5 years which would necessitate any further interventions in addition to the existing pedestrian refuge.

Therefore on the basis of the current road layout the CHA do not consider the extent of the site access and off-site highway works to be necessary for the quantum of development. However there are some improvements that can be done to the existing site access to bring it in line with guidance contained in the 6Cs Design Guide including resurfacing, a 2m footway for pedestrians and 3m bridleway for horse riders on the existing alignment to link in with existing facilities. It is advised that these site access improvements are secured through planning condition.

#### Internal Layout

As this is an outline application with all matters reserved except access the internal layout shown has not been subject to a design check and will be dealt with as part of a future Reserved Matters application.

Notwithstanding the comments above the indicative layout as shown on Signet Urban Design drawing ref: HG0358/011 Rev B does not comply with current CHA standards. The CHA would refer the Applicant to Part 3 and Part 5 of the 6Cs Design Guide which outlines the CHA design requirements and our approach to adopting new roads:

#### Road Safety Considerations

The Applicant has checked more recent Personal Injury Collision (PIC) data covering the local roads in the vicinity of the site from 1 November 2014 to 31 December 2016 which did not identify any additional PICs during this period.

The CHA has checked its own database on based on a slightly wider study area there have been two PICs from 1 November 2014 to March 2017. Both of the PICs were classified as slight and occurred at the junction of A607 Leicester Rd / Gaddesby Lane in August and November 2016.

Based on the PIC data the CHA would not seek to resist the Application on highway safety grounds.

#### Existing Traffic Flows

The Applicant has assessed the impact from the proposed development based on existing traffic flows / future growth, traffic generation / distribution and junction capacity analysis.

As the traffic surveys were done in 2013 the Applicant has applied growth factors from TEMPRO<sup>i</sup> (version 7.2) with a local adjustment for the Melton area from the National Transport Model to establish a 2017 baseline position.

**The CHA has checked the growth factors applied and consider them to be acceptable.**

#### Trip Generation

The Applicant has checked the previous trip rates from the 2015 application with the trip rates from TRICS<sup>ii</sup> (version 7.4.1) for the type of land use being applied for as part of this application and they remain appropriate.

The Applicant has tested the impact of the proposed development at the junction of Melton Road / The Spinney in the following scenarios:

- 2017 with consented development at Brooksby campuses
- 2022 without the proposed development
- 2022 with the proposed development

The results of the PICADY<sup>iii</sup> assessments show that the junction is likely to operate within capacity in all scenarios.

The CHA is satisfied that based on the evidence and calculations provided the impact from the development has been robustly assessed and further analysis at other junctions in the vicinity of the site is required.

#### Sustainable Modes of Transport

Based on the evidence in the Applicant's TA the CHA believes there is scope to encourage more use of public transport and reduce the number of single occupancy car journeys from the proposed development.

The CHA request for improvements to the bus infrastructure as part of the 2015 application has been superseded with some of those features already being included at the 2 nearest bus stops to the development. Where the use of Real Time Information (RTI) is known to increase bus patronage where it is available there also needs to be a nearby power source for it to be connected to. The CHA does not feel it would be feasible in this location due to lack of power sources within reasonable distance of the bus stops.

The Public Rights of Way (PROW) team provided observations on LPA ref: 15/00246/OUT on 28 May 2015 which remain valid and some further comments on 2 March 2017. Therefore these highway observations should be read in conjunction with the PROW comments.

<p><b><u>Conclusion</u></b>  <b>On balance, subject to the imposition of conditions and contributions, the CHA considers this development will not have a severe impact on the highway in accordance with Paragraph 32 of the NPPF.</b></p> <p><b>Conditions recommended;</b></p> <ul style="list-style-type: none"> <li>• Vehicular access to the site shall be provided with 6m wide carriageway with 2m footpath, 3m bridleway and 10m kerbed radii.</li> <li>• The site access to be resurfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres</li> <li>• Drainage of the access</li> <li>• Construction and traffic management plan</li> </ul>	
<p><b>LCC Access Officer</b></p> <p>Comments dated 28<sup>th</sup> May 2015 Ref.TK/FW/ECS/H58 which are equally relevant to this application.</p> <p>No objection to the application but clarify one point which affects users of the bridleway; that at the site access, that the full 3m width of the bridleway extends across the verge to the proposed pelican crossing. This will allow sufficient room for both pedestrians and horse riders to wait at the crossing.</p> <p>Also an additional safety point raised by the Leicestershire and Rutland Bridleways Association, for an operating button for the crossing to be located at such a height to be capable of safe reach from horse back.</p>	<p>Noted. The application seeks outline consent and the layout is not yet fully developed.</p> <p>However the indicative plans show the existing route of the bridleway being maintained through the site and provided for independently of the road layout and the residential development, along the south west boundary of the site.</p> <p>The proposed works to the A607 also take account of the use of the route by horses and caters for this in terms of the width of crossings etc.</p>
<p><b>LCC Ecology – No objection,</b></p> <p>The ecology survey submitted in support of the application (Smeeden Forman, January 2015) found no evidence of protected species on site. No habitats of significant ecological value were recorded and the site was generally considered to be unsuitable to support protected species. We are satisfied with these conclusions and no additional survey work is required at this stage.</p> <p>However, the applicant must be aware that ecology surveys are only considered to be valid for a period of two years, after which an updated survey should be completed. <b>We would request that a requirement for an updated survey is forwarded as a condition of the development, should planning permission be granted.</b></p> <p>We would request that the layout to the eastern boundary of the site is reconsidered in order to provide a buffer between plot boundaries and the</p>	<p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist. The requirement for an update can be secured by means of a condition.</b></p>

<p>boundary hedgerow. Further justification for this can be found in the attached Hedgerows and Planning guidance note (section 3).</p>	
<p><b>Environment Agency</b></p> <p>The proposed site lies on superficial glaciofluvial deposits, the Thrussington Member Diamicton and the Rotherby Member clay and silt. The Wilmcote Limestone Member, Cotham Member, Westbury Formation and Blue Anchor Mudstone Formation also underlie the superficial deposits. The superficial glaciofluvial deposits are classed as a Secondary A aquifer under the Environment Agency’s Groundwater Protection Principles and Practice. A tributary of the River Wreake is also located approximately 250m from the site. Controlled waters in the area require protection from pollution.</p> <p>A Combined Phase 1 Desk Study and Phase II Exploratory Investigation Report (BSP Reference 14486, 26 January 2015) has been submitted in support of the application. The site was formerly an agricultural college and a nursery. The report confirms that 8 above ground storage tanks (AST) are present on site with one AST still in use. Strong hydrocarbon odours were detected in WS 16 (0.5 – 1.3m below ground level) and WS19 (0.8 – 3m bgl). Elevated Total Petroleum Hydrocarbons have been identified in WS 19 at 1.8m and 2.6m below ground level. The Environment Agency would agree with the recommendations for supplementary sampling works around the three AST’s that have not been investigated previously. <b>Further assessment should be undertaken to determine whether there is an unacceptable risk to controlled waters from hydrocarbon contamination present on site.</b></p> <p><b>Conditions are recommended to specify the nature of the investigations required.</b></p>	<p>Noted.</p> <p>The proposal was accompanied with a Contamination Assessment but further investigation is required.</p> <p><b>This can be secured by condition as recommended by the Agency.</b></p>
<p><b>Lead Local Flood Authority:</b></p> <p>Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that:</p> <ul style="list-style-type: none"> <li>• The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following planning conditions are attached to any permission granted.</li> </ul> <p><b>1. Advice - Surface Water (Condition)</b>  <b>2. Advice – Construction Surface Water Management Plan (Condition)</b>  <b>3. Advice - SuDS Maintenance Plan &amp; Schedule</b></p>	<p>The application is accompanied by a Flood Risk Assessment (FRA) The FRA concludes that the site is not vulnerable to flooding and is in ‘flood zone 1’</p> <p>The application seeks outline consent and conditions can be imposed to ensure appropriate drainage methods are incorporated within the reserved matters application. Details of future maintenance also needed.</p>



<p><b>(Condition)</b>  <b>4. Advice – Infiltration Testing (Condition)</b></p>	
<p><b>MBC Environmental Health</b>  <b>(a) Contamination</b>  <b>Satisfied that the studies undertaken provide sufficient information on the nature and extent of potential contaminants and recommend conditions o the following:</b></p> <ul style="list-style-type: none"> <li>• A ‘phase 2’ investigation looking at the site of oil tanks</li> <li>• Response if contaminants are found on site</li> <li>• Imported soil is sampled for contaminants before use</li> <li>• Soil from the exiting site not to be used until fist analysed for its content</li> </ul> <p><b>(b) Noise</b>  Comments on the Noise Assessment as follows;</p> <ul style="list-style-type: none"> <li>• Section 4.1 Survey Methodology. The sampling periods at each monitoring location, as little as 1hr and 50minutes, are particularly short to sufficiently characterise the noise environment. Given that the primary noise source at monitoring location 1 is the A607, it is unclear as to why the consultant did not use the methodology set out in the Calculation of Road Traffic Noise (CRTN) wherein the minimum monitoring time period is 3hours as per the shortened method.</li> <li>• Section 5.1 Selection of Noise Criteria. The consultant has married definitions provided in the Noise Policy Statement for England (NPSE) with British Standard 8233. Whilst BS 8233 should be considered (along with other considerations), the NPSE does not make such specific references to BS 8233. This is the consultants interpretation.</li> <li>• I was unable to obtain the same ‘vent’ St values quoted by the consultant. However, using the St values provided I was able to follow and replicate the consultants calculations from a select sample.</li> <li>• No justification is given for the choice of reverberation time or the use a static reverberation time across all frequencies.</li> <li>• The calculation are based on assumed room sizes and façade elements. These are likely to change at reserved matters; therefore, further work is needed at the reserved stage to demonstrate that façade acoustic specification is still applicable.</li> </ul> <p>Continuous ‘whole dwelling ventilation’ rates will need to be achieved on the presumption of windows being closed. This must include any non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels due to internal noise transmission. ’</p> <p><b>Recommends conditions addressing the above</b></p>	<p><b>The comments on contamination are similar to those from the Environment Agency (page 5 above) and can be incorporated as conditions.</b></p> <p>The comments on noise relate to the detailed designs that are not yet fully developed as the application is in outline. However they indicate that the site is capable of development with an acceptable noise environment and as such are not grounds for refusal. <b>Conditions are therefore appropriate as recommended.</b></p>

<p><b>at ‘reserved matters’ stage, once exact building designs and locations are established :</b></p> <p>1. No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. As a minimum the scheme must achieve the façade acoustic specifications outlined in noise impact assessment DC1677-R2. The acoustic mitigation scheme shall include a copy of the approved ventilation scheme wherein ‘whole dwelling ventilation’ must be achieved on the presumption of windows being closed including non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels. The acoustic mitigation scheme shall demonstrate that the proposed habitable rooms are not so different in specification to those assumed in the noise assessment as to materially affect the suitability of the proposed façade acoustic specification. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.</p>	
<p><b>Severn Trent Water Authority:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p><b>Noted.</b></p>
<p><b>Parish Council: Objects</b></p> <p><b>This is the same view the Council submitted in July 2015 when the application was submitted as 15/00246/OUT. MBC officers have confirmed that this application is identical.</b></p> <p>Despite the “attractive” re-packaging of the applicant’s submission the Parish Council believe that this is still a fundamentally flawed application. The Council have taken a holistic view of the inter-related developments and the applicant’s utilisation of S106 resources.</p> <p>An unsustainable housing estate, breaching all needs and sustainability assessments, is being dumped into this Parish to enable the College to meet its challenging plan, agreed by Melton Council, and totally undermines the neighbourhood development planning processes being undertaken throughout Melton’s rural communities.</p> <p>We outline our objections as follows:</p> <p>1. Sustainability of the proposed development.</p> <ul style="list-style-type: none"> <li>• The scheme does not integrate in to its surroundings. It is an isolated ‘island’ overlooking a quarry that will be developed and infilled for a further 17 years (at least).</li> <li>• The development is not close to community facilities. It will be a housing estate</li> </ul>	<p>The application is directly linked to two others and therefore should be considered ‘in the round’ as a complete package (the Parish Council’s comments relate primarily to the Spinney site alone and as such are not a holistic view).</p> <p>It is agreed that the site in itself is a highly</p>

<p>without any proper facilities.</p> <ul style="list-style-type: none"> <li>• The ‘village’ shop will not be supported by this development and as it is set back from the A607 it is most unlikely to be supported by passing trade. It is not sustainable, research says a shop requires a catchment of at least 500 dwellings.</li> <li>• There is a bus service which runs along the A607, but it does not operate on Sundays or Bank Holidays. It is therefore almost certain that 70 dwellings will generate another 150 additional cars in order to access employment and facilities off-site.</li> <li>• The estate proposed is entirely private housing. This application linked to two others in Melton has put the affordable housing in the middle of the town with nothing for this application. This is not good planning, nor does it address the rural concerns about the provision of affordable housing in the four communities of our Parish.</li> <li>• <b>This application, linked to two others in Melton, has put the “off-site affordable housing” in the middle of the town with nothing for this application. This is not good planning, nor does it address, without evidence, the rural concerns about the provision of affordable housing in the for communities of our Parish. The Neighbourhood Plan for the adjacent Frisby on the Wreake Parish has affordable housing elements consistent with the draft Melton Plan.</b></li> </ul> <p><b>If the Spinney site is sustainable, as the applicants state (which the Parish disputes), it should have a similar proportion – but that would destroy the financial integrity of the applicant’s overall submission.</b></p> <ul style="list-style-type: none"> <li>• This development does not reflect local need or have its own distinctive identity or character. It would be a continuation of the functionally designed developments achieved by Brooksby Melton College to date. Such a development would find it difficult to create community and consequently find it difficult to establish itself as a place where people would want to settle down in. It could become a transitional ‘stopping off’ place for people to live while they looked for their proper long term home.</li> <li>• The scheme does not engage with its existing surroundings.</li> <li>• The inclusion of three rural enterprise units doesn’t appear to properly connect in with the application. The opportunity for local employment is missed and most will need to travel away for employment.</li> <li>• The SHLAA does not identify any additional housing at Brooksby and with only</li> </ul>	<p>unsustainable location for development of the nature proposed, although the inclusion of the shop and workspace units mitigate this to some extent in that they offer at least some prospect of alleviating travel demand. Issues of sustainability are addressed in more detail below.</p> <p>The provision of affordable housing as an ‘off site’ solution is acceptable in principle and has been achieved elsewhere. The NPPF require LPA’s to have a flexible approach to the provision of affordable housing and it is considered that the town location for affordable housing is preferable to the Brooksby site for the same reasons as the Parish Council raise regarding isolation, access to facilities and transport links.</p> <p>The affordable housing is not intended to provide specifically for identified need arising from Brooksby or the Parish area, rather it is for the wider housing market. The latest evidence of need (the 2017 HEDNA) indicates that 70 ‘affordable’ houses are needed <u>each year</u>.</p> <p>That this site has come forward as an application</p>
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<p>15 houses in the Brooksby Ward and only 8 at the Spinney Site the development is totally out of proportion to the size of the existing community. The new development would also be bigger than nearby Rotherby and Ragdale and almost the size of Hoby. The impact on the local community and infrastructure has not been investigated enough to clearly answer questions of how this will affect the local villages.</p> <p><b>2. Highways concerns and Safety issues.</b></p> <ul style="list-style-type: none"> <li> <p><b>Traffic has significantly increased on our local network of unclassified lanes since the Council raised its original objection nearly two years ago. We believe the traffic forecasts used for this submission are now out of date. The road infrastructure is not capable of additional traffic coming through Rotherby and Hoby and Ragdale, as a rat-run to and from the A46. Hoby in particular with its many bends often faces acute traffic congestion at peak times.</b></p> <ul style="list-style-type: none"> <li>There is much concern with regard to the A607. It has great difficulty coping with heavy traffic at peak times now and the cumulative increase in traffic now using the Hoby Road is significant.</li> <li>The new Brooksby Melton College has been built on a green field site. This could have been on a redeveloped spinney campus. The argument to transfer the college to the other side of the road to make it more accessible is negated by developing a large housing estate on the Spinney campus now.</li> <li>With the increased traffic on our local network of unclassified lanes and the proposition of additional traffic coming through Rotherby and Hoby and Ragdale in particular to access the A46, the road infrastructure is not capable of dealing with this.</li> <li>Many students still need to cross the road to a proposed re positioned bus stop, and a pelican crossing would be provided. The speed limit would need to be reduced and we understand there are no plans to do that. So an increase in traffic, some of it an increase in lorries does not provide a good combination for the road safety needs</li> <li>The upgrading of the Hoby Road to improve visibility and safety does not suggest addressing the junction itself.</li> </ul> <p>Although all traffic identified is not connected to the proposed application the cumulative traffic increase is as a consequence of the actions of Brooksby Melton College, and as such the needs of the entire junction should be considered as a part of the total change to the local infrastructure.</p> </li> </ul>	<p>rather than a 'SHLAA site' through the local plan process does not impact on the evaluation or manner in which it should be decided.</p> <p>The size relative to other villages /hamlets is noted but it is considered it is sufficiently separate to avoid impacting on them in a physical sense, i.e. their character, key features etc. Its proximity however is such that residents may well use local facilities (e.g. the pub in Hoby; churches etc.) and assist in their support.</p> <p>The application is accompanied with a Traffic Impact Assessment which has been validated by the Highway authority in terms of its approach and conclusions. This includes how it has calculated traffic flow and distribution including growth since it was originally produced.</p> <p>The access has been designed in the light of this assessment and proposes a significant redesign of the area where the site access and Hoby Rd meet the A607, including better bus stops, a formal crossing point, footpath provision and accommodation of the bridleway. It is considered that several of these represent benefit, particularly the crossing, signage and bus stop arrangements which will assist the safety of students.</p> <p>The site access itself is provided with adequate sightlines and the new junction would include warning signage and illuminated bollards to alert drivers to its presence.</p> <p><b>The Highways Authority is satisfied with the access arrangements and has no objection to the proposal (subject to conditions, see pages 5-7 above).</b></p>
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**3. Hoby with Rotherby (including Brooksby and Ragdale) Neighbourhood Development Plan.**

- The Parish Council is over halfway through its Neighbourhood Development Plan for the Parish, as it prepares its policies. Although this application is prior to the adoption of the Neighbourhood Plan existing consultations have generally been consistent with those of the wider Melton Plan. If MBC now approves this Spinney site development it would totally undermine the Neighbourhood Planning process.

- The proposal should be deferred until the Neighbourhood Plan is complete.

**4. Environmental impact**

- Every possible environmental concern should be investigated. Councillors don't see enough evidence of this. The plans show two areas which in the future could provide open

It is understood that the Neighbourhood Plan is in its early stages and to date no plan has been published. It is yet to be published for 'pre submission' consultation, submitted for formal LPA consultation, examined or become the subject of a Referendum , all of which are required prior to it becoming adopted as a Development Plan.

The Council has a duty to continue to determine applications whilst Development Plan documents (including Local and Neighbourhood Plans) are being developed and this application cannot be postponed whilst those processes run their course.

**National Planning Policy Guidance states that:**

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and  
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."*

It goes on to advise that " *Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period*"

Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.

The Neighbourhood Plan is still in development and has not made any proposals or consulted upon them.

The Neighbourhood Plan has not yet been published and is some distance from the LPA publicity period described in the Guidance above. **It is therefore considered that the NP is not in the position to which the National Guidance advises 'prematurity' concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.**

The site is isolated and in terms of its appearance will need to be adequately landscaped to assist in assimilating it into the landscape. Potential space for expansion is common to every location that

<p>access to other land which could possibly be used to expand the site in the future.</p> <ul style="list-style-type: none"> <li>• No consideration is given to the ‘urban creep’ that continues out from Leicester and Melton Mowbray. Rearsby is joined to East Goscote etc. until you get to Leicester and if the estate were built it invites future infill to link Rearsby to Brooksby. Ribbon development is certainly not uncommon. Melton Mowbray continues to move out towards the Samworth factory and increased pressure will be put on Kirby Bellars and also Frisby on the Wreake.</li> <li>• A green wedge is required to ensure that the urbanisation of the countryside along the A607 is protected but also across the agricultural land from the county boundary with Nottinghamshire at Six Hills through to Gaddesby and Ashby Folville. This would protect small rural communities and preserve the character of the villages from development in unsustainable parts of the Borough.</li> </ul> <p><b>Your officers previously recommended this application be refused on the ground of its unsustainability. There has been no change to the application, or more importantly, to the wider external environment. There is no need for this scale of development, in this rural Parish and it is demonstrably at odds with both current and future policies of Melton Borough Council.</b></p>	<p>adjoins undeveloped land but the application must be considered on its individual merits. The application is unique in its purpose and ‘offer’ and as such is not considered to form a precedent.</p> <p>Whilst there is demand for growth of Melton and the villages further east, it is considered that the suggestion that they may impinge on one another or coalesce is exaggerated. Even the highest estimations of future growth (currently being examined through the local plan) show limited expansion and modest infilling of villages in this area. They would remain separated by extensive agricultural land and retain their own separate identities and character.</p> <p>This is noted as the correct position. However the Committee is advised that, under para 14 of the NPPF, it must balance the harm identified against the benefits. It is considered that this application present significant issues on both sides of this ‘balance’ but by focussing on only one side (the ‘harm’) the Parish Council’s comments are limited in the perspective they can offer.</p>
<p><b>Charnwood Borough Council</b>          Considers that the location, scale and nature of the proposal remains the same as previous planning applications related to this site and that, accordingly, this Council's previous comments remain the same: Charnwood Borough Council considers the site to be in an entirely unsustainable location for residential development, contrary to the presumption in favour of sustainable development at the heart of the NPPF.</p>	<p>Noted – see comments on sustainability below.</p>
<p><b>Leicestershire Constabulary</b></p> <p>The police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and neighbourhood policing area in which it will be situated. The existing deployment of Police assets to Police the locality are identified to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to identify a series of infrastructure projects necessitated by this development. CIL tests of</p>	<p>The requests are supported with extensive background information explaining how the need arises and how they are generated specifically by the development. They are not to be ‘pooled’ and they will be spent only if and when the development proceeds.</p> <p><b>It is considered that the contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122 and 123.</b></p>

<p>compliance are applied to these.</p> <table border="0"> <tr><td>Start up equipment</td><td>£2704</td></tr> <tr><td>Vehicles</td><td>£1663</td></tr> <tr><td>Additional radio call capacity</td><td>£129</td></tr> <tr><td>PND additions</td><td>£84</td></tr> <tr><td>Additional call handling</td><td>£297</td></tr> <tr><td>ANPR</td><td>£2055</td></tr> <tr><td>Mobile CCTV</td><td>£375</td></tr> <tr><td>Additional premises</td><td>£17993</td></tr> <tr><td>Hub equipment</td><td>£140</td></tr> <tr><td><b>Total</b></td><td><b>£25440</b></td></tr> </table> <p><b>If these request cannot be met the Police raise a formal objection to this application on sustainability grounds and because the development is unacceptable in Planning terms without the necessary contribution.</b></p> <p>The following comments are based upon the Secured by Design (SBD) criteria and NPPF paragraph 58.</p> <p>1 Any footpath should be; deemed necessary, open and wide</p> <p>2 Parking should be close to dwellings and surveillance of these areas should be possible from active (living) rooms within houses (sufficient detail about the use of rooms has not been submitted)</p> <p>3 Whilst crime and ASB reports are low in this village, this area would benefit from surveillance and good lighting.</p> <p>It is recommended that these homes are built to the highest levels of security and that Secured by design should be considered.</p>	Start up equipment	£2704	Vehicles	£1663	Additional radio call capacity	£129	PND additions	£84	Additional call handling	£297	ANPR	£2055	Mobile CCTV	£375	Additional premises	£17993	Hub equipment	£140	<b>Total</b>	<b>£25440</b>	
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<p><b>Developer Contributions: s106</b></p> <p><b>Highways:</b></p> <p>1. Travel Packs; to inform new residents and employees from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.</p> <p>Justification: To inform new residents and employees from first use of the development what sustainable travel choices are available in the surrounding area.</p> <p>2. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from</p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p><b>It is considered that the transport contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</b></p>																				

<p>first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p>Justification: To encourage residents to use bus services as an alternative to the private car.</p> <p>3. 6 month bus pass per employee (application form to be included in Travel Packs and funded by the developer); to encourage new employees to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p>Justification: To encourage employees to use bus services as an alternative to the private car.</p> <p>4. Information display case at the nearest bus stop on A607 Melton Road to Leicester; to inform new residents of the nearest bus services in the area at £150.00 per display.</p> <p>Justification: To encourage residents and employees to use bus services as an alternative to the private car.</p> <p><b>Waste - The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £5786 (to the nearest pound).</b></p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic</p>	<p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p><b>It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122. There are no more than 5 completed s106's for this project and as such it also satisfies Reg 123.</b></p>
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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 70 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.

The developer contribution would be used on project reference MEL007 at the Melton Civic Amenity Site, Project MEL007 will increase the capacity of the Civic Amenity Site at Melton by

- Site reconfiguration 2016 to increase capacity by maximising efficient use of space including amendments to site signage and walls/fencing.

There are four other known obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL007.

**Libraries** – The proposed development on Melton Road Brooksby is within 4km of East Goscote Library on Ling Dale, being the nearest local library facility which would serve the development site.

**The library facilities contribution would be £2,110 (rounded up to the nearest £10).**

The development would impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to stock provision 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 number EAS001, currently the only obligation under EAS001 (subject to change due to future priorities of the library service).

The proposed development is likely to generate an additional 101 plus user and would require an additional 243 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.

**Education** – The site falls within the catchment area of Frisby C of E Primary School. The School has a net capacity of 119 and 127 pupils are projected on the roll should this development proceed; a deficit of 8 pupil places after taking

The contribution would be dedicated to the additional resources of the library in whose catchment the development falls and would be directly related to the additional demand it generates. **It is considered that the contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122 and 123.**

The contribution would be dedicated to the expansion of the Primary and Secondary School in whose catchment the development falls and would be directly related to the additional demand it generates. **It is considered that the**

<p>into account the 17 pupils generated by this development.</p> <p>There are currently no pupil places at this school being funded from S106 agreements for other developments in the area.</p> <p><b>Primary School Sector Requirement is £94,372.28</b></p> <p>For 11-16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for Secondary education.</p> <p>There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1991 pupils projected on roll should this development proceed; a deficit of 91 pupil places. A total of 4 pupil places are included in the forecast for these schools being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for these schools to 87 (of which 75 are existing and 12 are created by this development). A claim for an education contribution in this sector is therefore justified.</p> <p><b>11-16 school sector Requirement is £208,972.43</b></p>	<p><b>contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122 and 123.</b></p>
<p><b>Building Control:</b> The application is in outline and are therefore not able to comment at this time.</p>	<p>Noted.</p>

**Representations:**

Site notices were posted and neighbouring properties consulted. As a result **12 letters have been received from 11 separate households** and 1 horse riding organisation. The representations are detailed below.

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Crossing Arrangements for horse riders:</b></p> <p>Pelican crossing buttons should be installed at a suitable height for horse riders and the posts supporting the buttons would be set back one metre from the road so that horse's front half would not be placed in the road whilst the rider pressed the buttons.</p> <p>The light-controlled crossing period for the non-motorised and vulnerable users should apply to all roads on the junction simultaneously so that these users are not at the mercy of "right-turners".</p> <p>In addition, the crossing should be clear of any bollards, beacons, etc. which could 'spook' a</p>	<p>Noted – these detailed provision can be made requirements of any permission granted.</p>

<p>horse and cause it to stop or hesitate during its transit.</p>	
<p><b>Access to existing properties</b></p> <p>Existing access points will become less safe to use due to rising vehicle numbers and proposed road layout.</p>	<p>Access from the A607 and other public roads would not be affected by the proposal. Any private rights of access would need to be accommodated and would not be extinguished or ‘overridden’ by the granting of planning permission.</p>
<p><b>Impact upon the Character of the Area</b></p> <ul style="list-style-type: none"> <li>- Location is outside the settlement area in open countryside.</li> <li>- A 70 house estate is totally out of keeping within this small hamlet of 8 houses</li> <li>- The Spinney site is redundant but the design is not truly outstanding and not sensitive to defining characteristics of the local setting but a totally new housing estate.</li> <li>- It doesn't have lanes with verges but mews, more befitting of an urban setting, which look crammed and overcrowded with on-street parking, not in keeping with the open rural feel or street design guides such as Manual for Streets.</li> <li>- The development design lacks thought in respecting the local open rural feel.</li> <li>- The development lacks the inclusivity of green/blue open spaces reflective of the surrounding countryside.</li> <li>- The development lacks the including of existing landscape and green infrastructure with the layout design.</li> <li>- 10 good quality homes that fit in with the local and remain low impact would be a possible compromise.</li> <li>- This is another example of creeping urbanisation of the countryside.</li> </ul>	<p>Please see comments on page 12 above opposite the Parish Council's, where similar issues have been raised.</p> <p>Issues of sustainability and the isolated location of the site are addressed below.</p>
<p><b>Impact upon Highway Safety:</b></p> <ul style="list-style-type: none"> <li>- The extra traffic generated from the properties, about 140 vehicles at the national average of 2 cars per house, will be using mostly unclassified roads through the local villages; there is already.</li> <li>- There is already additional traffic from the Brooksby Melton College Campus now that it has been enlarged.</li> <li>- The extra horse boxes/lorries that use the equine centre cause a problem when they cannot get round the tight bend due to their size.</li> <li>- The possible amount of traffic is unsustainable on our village roads.</li> <li>- The proposed new layout for the junction onto the A607 Melton/Leicester Road</li> </ul>	<p>The access includes improvements where the site access and Hoby Rd meet the A607, including better bus stops, a formal crossing point, footpath provision and accommodation of the bridleway. It also includes works to Hoby Road to better define its carriageway and reduce conflict between vehicles and pedestrians.</p> <p>The junction benefits from good visibility in both directions and the proposal includes filter lanes for right turning traffic for both Hoby Rd and the site itself.</p> <p>The new access is provided with adequate sightlines and the new junction would include warning signage and illuminated bollards to alert drivers to its presence.</p>

<p>seems to have not been thought out properly with little consideration for the safety of the students both on foot and in vehicles and the proposed residents.</p> <ul style="list-style-type: none"> <li>- This is a 50mph road that is to have a bus shelter on either side of the road with a pelican crossing between the shelters to allow students to cross this road, however coming off the bend from the Melton direction you would not see the crossing until quite late which at 50mph would make stopping in a controlled manner quite difficult especially for the lorries which use the A607 as their main route.</li> <li>- The proposal is an accident waiting to happen.</li> <li>- Very limited connectivity, especially for prams/pushchairs and the less able</li> <li>- No buses Bank Holidays; none after 7.30pm Mondays-Saturdays; 2 Sunday buses</li> <li>- Bridleway should be separate to main access – 30mph too high (currently 10mph)</li> <li>- A607 50mph speed limit too high</li> <li>- Stated traffic figures for this area are not up-to-date</li> <li>- Solution to access should be new roundabout or traffic lights.</li> <li>- NPPF Section 4 encouragement should be given to solutions which reduce congestion.</li> <li>- 70 houses with likely 140 cars will only serve to increase congestion on the narrow country lanes.</li> <li>- The volume of traffic generated by such a densely proposed rural development would be detrimental to the upkeep of the local village access routes, roads and lanes.</li> <li>- The proposal is for a new village with a large increase of cars.</li> <li>- There are currently between 50 and 100 vehicles each and every hour frequently driving through the village.</li> <li>- Having a new housing development of this size, located well away from Syston or Melton Mowbray, would mean that significantly increased volumes of traffic would utilise the narrow roads from the proposed development through Hoby and on to Thrussington in order to utilise local services and to cut through to the main A46 highway.</li> </ul>	<p>The Highways Authority is satisfied with the access arrangements and has no objection to the proposal.</p> <p><b>It is considered that although traffic will be generated in the area, this will be modest in comparison to the existing use of A607 and the scheme includes several features that will be of benefit to both exiting road users and new traffic alike.</b></p>
<p><b>Residential Amenities</b></p> <ul style="list-style-type: none"> <li>- The new resident will be in high density housing, their views will be similar to a city estate.</li> </ul>	<p>The site is quite large to accommodate the number of houses proposed. The plans do show an ‘estate’ like design that may be expected</p>

<ul style="list-style-type: none"> <li>- Access road too close to existing dwellings and therefore more-intrusive with more junction traffic queues, more excessive noise and substantially increased exhaust fumes.</li> <li>- Access area would cause loss of privacy and severely impinge on our day-to-day living which is not specified as such within the application.</li> </ul>	<p>elsewhere (though ‘city’ is not considered to be an appropriate description) and can accommodate them with ease.</p> <p>Similarly, space exists for landscaping and buffering and these are demonstrated in the illustrative plans.</p>
<p><b>Sewerage</b></p> <ul style="list-style-type: none"> <li>- The existing houses do not connect to the College’s main sewer system. There is a private right of access through the site to service a private sewer – this is not catered for in the plans.</li> </ul>	<p>Private rights of access would need to be accommodated and would not be overridden by the granting of planning permission.</p>
<p><b>Facilities/sustainability</b></p> <ul style="list-style-type: none"> <li>- Brooksby has not been an identified hamlet for housing.</li> <li>- High clearance costs and provision of major services = unaffordable housing</li> <li>- A small shop would be unsustainable.</li> <li>- No essential community amenities/facilities.</li> <li>- Every house would need vehicles to survive</li> <li>- Totally unsustainable area and outside the NPPF</li> <li>- Fundamentally the development is in a totally unsustainable location which is contrary to the National Planning Policy Framework, Paragraph 7 – there are 3 dimensions to sustainable development; economic, social and environmental. Regarding the economic role this is not the right place or the right time for such a dense development in an existing sparse quite hosing area. Regarding the social role, there is no requirement for 70 houses in this rural settlement. The draft Melton Borough Plan only supports development of no more than 3 houses in each village of this parish. The development is not sustainable regarding access to schools or meeting the needs of present and future generations. Seventy houses is not a small development. The density/size of the development proposals is not in keeping with the local Parish or in maintaining the open rural feel. Regarding environment it is not contribution to and enhancing our natural environment by removing trees and</li> </ul>	<p>Issues of sustainability are addressed below.it is considered that the site performs extremely poorly in sustainability terms owing to its location and the absence of services within the immediate area. This is a significant aspect of the harm that needs to be balanced against benefits under the requirements of para 14 of the NPPF.</p>

<p>hedgerows.</p> <ul style="list-style-type: none"> <li>- Melton borough Council has judged our parish and villages to be classes as rural settlements with no shops, schools and health services and so unsustainable for large development.</li> <li>- This is a windfall site and brown field but should be realistic about the size of the existing community in the village of Brooksby and other villages in the Parish.</li> <li>-</li> </ul>	
<p><b>Housing need and mix</b></p> <ul style="list-style-type: none"> <li>- Historically, Collage staff have not purchased available low-cost properties at Brooksby.</li> <li>- There is an artificial linkage with the King Street development in Melton, this Spinney development will not include any ‘affordable’ housing, which is the type of housing that the Parish of Hoby with Rotherby most clearly lacks.</li> </ul>	<p>Please see comments regarding the ‘off site’ provision of affordable housing opposite the comments of the Parish Council where the same point has been made.</p>
<p><b>Other Considerations</b></p> <ul style="list-style-type: none"> <li>- Recent purchasers of the 7 properties at Spinney are not legally permitted to object against any College planning applications</li> <li>- Planning permission for both sites (Melton Campus and the Spinney (should be considered independently and not as one package because they are in very different geographical locations; one in an urban setting and the other in a rural settlement.</li> <li>- The college has not actively engaged with or formally arranged to meet with the local community to take on board their views within the design of the development.</li> <li>-</li> </ul>	<p>Restrictive covenants are not material planning considerations, not are they overridden by the granting of planning permission.</p> <p>The application is in outline with matters reserved. Full details would be required as ‘reserved matters’ should permission be granted. As an outline application, only matters of principle are addressed at this stage.</p> <p>The two applications are intrinsically linked and therefore need to be considered together.</p> <p>Public consultation by developers is encouraged however the onus is upon the agent to engage with the community.</p>
<p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>- The proposal indicates a square pond on the outside edge of the development.</li> <li>- To comply with the Flood and Water Management Act 2010 for the inclusion of SUDS; provide attenuation to combat future sever weather conditions; and for innovative design; it should include a well thought out network of innovative design; it should include a well thought out network of imaginative ponds/swales/rain gardens sensitively designed for wildlife with reeds/shrubs, all as an integral part of the development.</li> <li>- Residents can then be proud of their residential setting and be encouraged/engaged to maintain and</li> </ul>	<p>The application is outline at present an all details of opens space and water features are yet to be designed. However the advice of the LLFA advise that SUDS will be required and this offers the opportunity for water features and biodiversity improvements.</p>

<p>enhance such features for both biodiversity benefit and to empower community spirit.</p> <ul style="list-style-type: none"> <li>- This is a rural setting and as such the development should be small and fit in with existing natural features and wildlife.</li> <li>- The ecology report references 45 houses for the site yet the outline application states a proposal to build 70 houses</li> </ul> <ul style="list-style-type: none"> <li>- The arboricultural survey has indicated the development will involve removal of some early mature and mature trees and hedgerows. The proposed mitigation, which appears to be zero will not prevent the impact of this on open nesting re/amber listed local breeding birds such as dunnock, song thrush and mistle thrush.</li> <li>- The loss of mature trees and hedgerows is a huge concern.</li> <li>- The loss of wildlife; foraging and nesting sites for birds, insects and mammals; will greatly impact the biodiversity of the site.</li> <li>- The overall canopy size will be greatly reduced and the carbon foot print increased.</li> <li>- Development should be planned around existing trees and hedgerows so promoting maintenance and extension of wildlife corridors in such a sensitive rural area.</li> <li>- By proposing removal of existing good and high quality green infrastructure the NPPF has not been adhered to</li> </ul>	<p>It is correct that the report cites a development of 45 dwellings and describes it as a 'new village'. However the report addresses the wildlife content of the entire site and its content and it is not considered that this inaccuracy has any bearing. The report is concerned with the ecological content of the site as it stands at present rather than what it would be replaced with.</p> <p>Tree removal would be required outside of the nesting season under the Wildlife and Countryside Protection Act, in order to protect nesting habitats.</p> <p>The trees and hedgerows in the site are not protected at present and could be removed at any time. They have been surveyed and are considered to be of limited value in biodiversity terms and a number on the south west boundary can be retained. The site is considered to be of sufficient size to allow for replacement of tree loss as part of the design of the layout, which would be a reserved matter'.</p>
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**Other Material Considerations, not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Sustainability</b></p> <p>The application is presented as part of a wider approach alongside proposals to develop the College's King St, Melton Mowbray campus for affordable housing and works to the Asfordby Rd college site to develop its facilities and the theatre in particular.</p> <p>It is considered appropriate to consider the applications in a composite form, but the connection is inherent to any decision and as such should be linked together by a s106 agreement</p>	<p><b>The application is considered to be highly unsustainable in terms of its location, with no facilities in the immediate vicinity and a significant travel distance required for most. However, 'sustainable development' is not limited to the location but comprises the 'environmental', 'economic' and 'social' strands also.</b></p> <p>The applicant has submitted that – when considered in the context of the associated applications - it performs well and contributes to</p>

<p>addressing their interrelationship and phasing (as well as more conventional matters such as contributions etc.).</p>	<p>other aspects of sustainable development as follows:</p> <ul style="list-style-type: none"> <li>• Provision of housing and 21 affordable houses at the King St site (paras 49 -55 of the NPPF)</li> <li>• Promoting healthy communities, through the provision of the support for the Theatre and its long terms sustainability. Also the contribution the workspace units and shop could make in the Brooksby area</li> <li>• The effective use of brownfield land at both the Spinney site and King St locations (para 111)</li> <li>• Conserving the historic environment – the generation of funding to repair Brooksby Hall (Grade II*)</li> </ul> <p>The applicant recognises that these aspects are required to be secured as deliverable (as opposed to aspirational) and has therefore agreed that conditions and/or a s106 agreement is in place to ensure the delivery of various components on the site itself and off site contributions such as the affordable housing at King St. This includes commitment that the shop and employment uses will be developed alongside the residential development at the Spinney site and that it will be operated by the College for a period of 1 year.</p> <p>The applicant has also provided detailed information to demonstrate that the scale of the development at The Spinney is designed to generate the funding necessary for the Theatre improvements, repairs to Brooksby Hall and provision of affordable housing only, with no surplus generated for other purposes. This is considered significant because it reinforces the inter-dependencies between the sites and also demonstrates its scale is ‘needs’ driven as opposed to speculative.</p> <p><b>A ‘holistic view’ of sustainable development is required. The concerns identified in relation to the application relate predominantly to the ‘environmental’ strand of sustainable development. However, the application performs better in respect of the other stands, particularly the ‘social element’.</b></p>
<p><b>Housing supply issues</b></p> <p>There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing but is now in a position to demonstrate a 5 year land supply. Between 2011-2015 351 new homes were built, based upon the requirements of the Strategic Housing Market Assessments 908 were needed.</p>	<p>The application would make a significant contribution to housing supply and a vehicle for the delivery of affordable housing in Melton Mowbray.</p> <p>The application is in outline and is capable of a variety of designs such that an appropriate mix of house types could be accommodated with ease. These are issues that should attract weight ‘in</p>



favour' of the proposal.
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### **Conclusion**

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

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

The benefits can be summarised as follows:

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

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

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

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

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

**Recommendation: REFUSE, for the following reason:**

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

NOTE TO COMMITTEE:

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

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

Officer to contact: **Ms L Parker**

**Date: 8<sup>th</sup> May 2017**

