

**Reference:** 14/00808/OUT  
**Date submitted:** 01.10.2014  
**Applicant:** Taylor Wimpey UK Ltd  
**Location:** Field No 3968, Melton Spinney Road, Thorpe Arnold  
**Proposal:** Residential development for up to 200 dwellings including means of access, open space and associated development



**Proposal :-**

This application seeks outline planning permission for up to 200 dwellings with associated public open space, access, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application.

The application site comprises approximately 10 Ha of land and is currently agricultural land, enclosed on 3 sides by hedgerows abutting Melton Country Park to the west, residential development on Carnegie Crescent/Hunt Drove to the south and Melton Spinney Rd to the east. The site contains a modest range of agricultural buildings to its south eastern corner but is otherwise undeveloped.

The application is accompanied by a series of technical reports comprising a Transport Assessment, ecological appraisal, drainage, agricultural land quality, ground conditions, trees and landscape impact reports.

The application, and its supporting information, has developed in the course of its progression and is accompanied by a illustrative development framework plan, cross sections illustrating the typical relationships with existing housing (illustrative) and a revised transport assessment produced in order to take into account the detailed traffic modelling and analysis undertaken by MBC and the Highways Authority relating to Melton Mowbray as a whole.

**The application proposes 200 dwellings and, following viability assessments (which are addressed in greater detail below) proposes 10% affordable housing, of which 25% would be bungalows. A**

contribution of £1,730,600 (£8,653 x 200) towards the delivery of Strategic transport improvements including the Melton Mowbray Distributor Road is proposed.

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

- Compliance or otherwise with the Development Plan and the NPPF, including sustainability
- Development of a green field site
- Drainage/flooding issues
- Transport issues: Highway safety, traffic impact and public transport
- Impact upon residential amenities
- Infrastructure and facilities
- The effect of the emerging Local Plan
- Ecology
- Proximity to, and effect upon, Melton country park

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

#### **History:-**

No relevant history

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

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

**Policy OS2** - This policy severely restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing.

**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 H7:** provision for affordable housing will be negotiated on the basis of identified need.

**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.

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

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

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

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

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

**On Specific issues it advises:**

**Promoting sustainable transport**

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

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

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

**Require Good Design**

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

**Conserving and enhancing the natural environment**

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

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

**Consultations:**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highways Authority: No objection, subject to conditions and developer contributions</b></p> <p><b><u>Melton Distributor Road</u></b>            The CHA, in association with the LPA has taken a holistic approach to future growth in Melton Mowbray which looks to work with developers in partnership to deliver the Melton Mowbray Transport Strategy through section 278 agreements between the CHA and developers.</p> <p>Work undertaken jointly by the LPA and the CHA throughout 2016 to develop a holistic transport strategy for Melton included an outer distributor road around Melton Mowbray, which identified the need for a Melton Mowbray Distributor Road (MMDR) comprising of three sections as follows:</p> <ol style="list-style-type: none"> <li>1. ‘Northern Distributor Road’ (NDR) linking the A606 Nottingham Road to Melton Spinney Road.</li> <li>2. An ‘Eastern Distributor Road’ (EDR) linking Melton Spinney Road to the A606 Burton Road.</li> <li>3. A ‘Southern Distributor Road’ (SDR) linking the A606 Burton Road to the A607 Leicester Road.</li> </ol> <p>The revised TA considered the impact of the development with the Northern Distributor Road only.</p> <p>On the basis of the principle of the Melton Mowbray Transport Strategy, including an outer Distributor Road, being acceptable to facilitate growth in Melton Mowbray, the CHA would seek to enter into a section 278 agreement for a contribution based on a proportionate impact of this development on the highway network.</p> <p><b>A contribution of £1,730,600 (£8,653 x 200) towards the delivery of Strategic transport improvements including the Melton Mowbray Distributor Road is requested from these proposals.</b></p>	<p>The Outline Business case for the MMDR (sections 1 and 2 opposite) was submitted in December 2017 and if approved there is an expectation that it will be constructed during 2020 and 2021 – likely to be concurrent with or even in advance of the proposed development.</p> <p>However, this is not a guarantee and consideration also needs to be given to the prospect of the relevant sections of the MMDR not being available at the time that the development proceeds, and possibly some time later. This leads to the prospect of development proceeding with no strategic solution to the highways issues immediately in place and the need to consider the impact on the existing road network, whether short or longer term pending that intervention.</p> <p>The Council’s adopted the Interim Highways Contributions Position Statement (Sept. 2015) explains that that development that is desirable in other respects, but restrained by transport infrastructure constraints, are able to proceed by contributing to the overall solution whilst awaiting its full delivery through the MMTS (incorporating the MMDR). However it proceeds to advise this approach remains subject to the impacts of the development in the interim being found acceptable (if not desirable) prior to the solution.</p> <p><b>The applicants have committed to a strategic highways contribution of £1,730,600 (£8653 per dwelling) which the HA consider an adequate and proportionate contribution (see opposite).</b> The transport assessment has been carried out to address the question of the impacts prior to strategic highways solution.</p> <p>The HA advise that the consequences – in the interim period – would be ‘severe’ (as defined by NPPF para 32) owing to their impact on the various junctions listed.</p> <p>- Thorpe Rd / Saxby Rd</p>

### **Trip Generation and Distribution**

Following further work undertaken by both the CHA and LPA both authorities understand the potential impacts of development proposals in the context of the emerging Local Plan. On that basis, the CHA considered there to be sufficient evidence to assess the impacts of the proposed development using the traffic distribution from a zone adjacent to the proposed development from the LLITM.

The proposed 85%ile person trip rates have been obtained from the TRICS database and the proposed person trips are shown in Tables 6.1 and 6.2 of the submitted TA. To predict the number of person trips the Applicant has used the 2011 Census travel to work data. Based on the modal split of this data the number of development trips by car / LGV are set out in Table 1 below:

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

<u>Peak Hour</u>	<u>Arrivals</u>	<u>Departures</u>	<u>2-way</u>
AM	52	152	204
PM	100	62	162

Until a Northern Distributor Road is open, the majority of the proposed development traffic will go through the A607 / Saxby Rd junction. This traffic is then distributed down the A606 Burton Rd and through the town centre via the A607 before it goes on to other destinations e.g. Nottingham and Leicester.

The LLITM outputs showed some development traffic using Algernon Road and other streets in the area as a result of congestion around the Thorpe End junction. However these are residential roads subject to high levels of on-street parking on both sides of the carriageway which is likely to deter development traffic using these roads. Therefore the CHA asked the Applicant to reassign this traffic to the main A607 from the development site to understand the full impact of the development on the Thorpe End junction.

The CHA has checked the trip generation and subsequent distribution and considers them to be satisfactory to assess the impact of the proposed development.

### **Impact on Highway Network**

The CHA is satisfied that the site specific aspects of this development in relation to access, safety and sustainability can be suitably mitigated as set out in this report. Notwithstanding the development traffic using the Melton Spinney Road / Thorpe End junction the analysis of the wider network within the town has been assessed as part of this

- Norman Way / Scalford Rd
- Norman Way / Wilton Rd junctions

However they advise that in addition to the sum for the strategic solution (MMTS including Distributer Rd) the works proposed for the improvement of traffic lights at the key junctions (referred to as 'SCOOT validation') is considered to represent sufficient mitigation for this impact and reduce it from the 'severe' level which would suggest refusal under the NPPF para 32.

### **Site Access**

The site access is proposed to be towards the southeast corner of the site. The HA advise that it will be able to have adequate sight line provision and advise that the 30mph zone should be extended beyond it to the north. Plans illustrating how this can be achieved have been provided and it is considered it can be a condition of any permission granted.

Public Transport is proposed in order to assist the sustainability of the site, and also a proposal to extend the footpath to link into the site from Melton Spinney Road. The HA advise that these are both practicable and can be the subject of conditions and s106 contributions. One aspect of the s106 would be to provide funding to support a bus service, if required to do so, after the initial 5 year period required of the developer.

The HA has also specifically addressed the issue of a 'pinchpoint' on Melton Spinney Rd which has been raised as a particular concern by some local residents. This is located slightly north of the existing Carnegie Crescent development and would, if this development were to proceed, be a little south of its access.

The HA advise that although narrower than the remainder of Melton Spinney Road, it is sufficient width to allow vehicles to pass and a bus operator has not raised it as a concern. The 'pinchpoint' is approached with good forward visibility in both directions allowing drivers to take the necessary action if they are concerned about their ability to pass. No evidence of accidents has been identified from its current use.

The HA has addressed the question of 'spikes' in traffic outside of normal traffic flow patterns arising from the proximity of Twin Lakes a little to the north, which has been a concern of residents. In this respect they advise that because it does not coincide with the peaks of the regular traffic flows that it would not add to the severity of the position and that no further measures are necessary as a direct result.

The HA suggest a series of s106 requests for sustainable transport purposes. These are considered to comply with CIL Regs. 122 and 123 in that they are

<p>Application.</p> <p>Previous work undertaken by the CHA and LPA as the Cumulative Development Impact Study in October 2015 identified that the majority of junctions within and around Melton Mowbray Town Centre were at capacity and that operation would continue to deteriorate with the introduction of new developments such that the CHA considers that the impact is severe in the context of NPPF Para 32 without a package of mitigation measures.</p> <p><b>The CHA considers that the assessments undertaken within the re-submitted TA show the impact from this development in the town is severe</b> especially at the following junctions:</p> <ul style="list-style-type: none"> <li>- Thorpe Rd / Saxby Rd</li> <li>- Norman Way / Scalford Rd</li> <li>- Norman Way / Wilton Rd junctions</li> </ul> <p><b>As options for improvements within the town centre at the above locations are limited, the CHA considers it more appropriate that mitigation for this proposed development is sought through securing a wider scheme</b> in the form of new highway infrastructure which can mitigate the impact at those junctions through the redistribution of traffic. The CHA considers that this can be addressed through the delivery of the Melton Mowbray Transport Strategy including a Melton Mowbray Distributor Road. <b>Until such time as this infrastructure is provided, the impact of this development is considered to be severe.</b></p> <p>However notwithstanding the comments above the CHA has identified some measures which will help alleviate some of the impact of the proposed development in the short term. The SCOOT system coordinates the operation of traffic signals in an area and provides a proactive approach to managing fluctuations in traffic throughout the day including the AM and PM peak hours. Whilst this would not, in itself, bring the impact of development to a level below ‘severe’ it would contribute positively to reducing the full impact of development.</p> <p>The requirement for contributions to SCOOT validation at the junctions mentioned above is set out below in the section titled contributions/obligations. <b>Subject to the specific mitigation and contribution to the wider infrastructure the proposed mitigation at these junctions is considered acceptable in the context of NPPF paragraph 32.</b></p> <p>Work undertaken by the LPA and Leicestershire County Council to secure the recent funding towards the Northern and Eastern Distributor Roads</p>	<p>necessary and related directly to the application and can be included in an Agreement if permission is granted.</p>
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has identified that following the implementation of the Distributor Roads, there is likely to be a decrease in total delay at the Thorpe End junction, as well as the Nottingham Road and Scalford Road junctions.

However, notwithstanding the comments above the Northern section of the Distributor Road on its own is likely to attract additional traffic along Melton Spinney Road, particularly in the AM peak hour. There is also an increase in the PM peak hour but not as substantial.

**The ‘pinch point’ on Melton Spinney Road**

**There is a pinch point on Melton Spinney Road just south of the proposed development where the road narrows to 4.8m, however this road width would still allow two cars to pass.**

The bus operator contacted by the Applicant has also indicated they are willing to run a service to the site which indicates they do not have any concerns with the road layout. The bus, which will run on an hourly basis, is likely to only be hindered by a vehicle in the opposite direction occasionally.

Overall the CHA does not consider the two issues highlighted above will have a severe impact on the highway in the context of paragraph 32 of the NPPF.

**Site Access**

The principle of the site access i.e. two priority junctions in a 60 mph zone, as shown on JPP drawing number: S7107PM-TA03A has been subject to a Stage 1 Road Safety Audit (RSA). The CHA previously advised the Applicant that visibility splays of 90m from the site access would be acceptable which are shown on drawing reference: S7107PM P001 Rev E.

The Applicant has indicated that the existing 30 mph speed limit on Melton Spinney Road will be extended along the site frontage; however there are no proposals on how to do this in the submitted documentation. Due to the location and scale of the proposed development the CHA would ask the LPA to condition the Applicant to extend the existing 30 mph by virtue of additional street lighting to 90m north of the proposed northern access and gateway treatment to ensure speeds are reduced on the approach to the site accesses. All of these works will be entirely at the Applicants own expense.

The CHA would advise the LPA to condition the proposed site access shown on drawing reference: S7107PM P001 Rev E.

**Road Safety Considerations**

The Applicant has collated and analysed Personal

Injury Collision (PIC) data from 1 January 2009 to 31 March 2014 at the junctions within the study area. In total there were 6 accidents at the junctions within the study area which resulted in 4 slight injuries, 1 serious injury and 1 fatality.

There was a fatality at the A607 Thorpe Road / Norman Way / Thorpe End / Saxby Road junction involved a vehicle and a pedestrian. There were also 3 slight injury accidents at this junction. The other two PICs (1 slight and 1 serious) were at the Melton Spinney Road / A607 Thorpe Road.

Following the resubmission of the TA in September 2016 the CHA has checked its accident database to discover if there have been any further accidents. Between 1 April 2014 and 25 November 2016 there were 3 accidents (1 slight and 2 serious) within the study area.

None of the accidents were at the proposed site access and whilst any fatality is regrettable the overall number of PICs is consistent with the type and number of roads included in the study area. Therefore the CHA does not consider that the proposed development will exacerbate the existing situation and would not seek to resist the Application on highway safety grounds.

#### **Internal Layout**

As this is an outline application with all matters reserved except access the internal road network will be dealt with as part of a reserved matters application. The CHA would refer the Applicant to the 6Cs Design Guide Part 3

#### **Transport Sustainability**

##### **Walking and Cycling**

To improve connectivity to existing services the CHA would seek an extension of the existing footway to connect with the proposed site accesses and footway network within the site. In line with the 6Cs Design Guide the footway between the proposed site and the junction with Thorpe Road should be a minimum width of 2m to ensure it is attractive for pedestrians to use.

The CHA would advise the LPA to condition the submission and subsequent implementation of a scheme for footway improvements to the site.

As mentioned previously there will be additional pedestrian site accesses on the western side of the development. These will provide direct links to the existing footpath network within Melton Country Park and provide an alternative route into the town centre and across to the north-west of Melton Mowbray, including to John Fernley College (secondary school).



**Public Transport**

The nearest existing bus route to the site is service 8, which provides direct access to/from Loughborough and Grantham via Melton Mowbray town centre. The nearest existing bus stop to the site is on Thorpe Road roughly opposite Bowley Avenue, which is at least 500 metres walking distance away from the majority of the site. This is in excess of the guidance contained in the 6Cs Design Guide and therefore the CHA would require some improvements to an existing or a new bus service to serve the site.

Service 8 currently provides an hourly daytime frequency from Monday to Friday between 07:40 and 17:12 (northbound timings at Bowley Avenue) and 08:45 and 17:39 (southbound timings at Bowley Avenue).

In order to promote travel by bus, the Applicant has proposed to create a bespoke service to the site based on the current timetable via the indicative internal bus loop (JPP drawing reference: S7107PM-TA09). The Applicant would seek to ensure that the service is as attractive as possible to commuters and during school time could be extended to include one bus at drop-off / pick up time at Long Field Academy on Ambleside Way, Melton Mowbray.

The bus loop will need to be designed in accordance with section DG6 of the 6Cs Design Guide and incorporate one or more new bus stops (including bus shelters) within the development site, raised access kerbs, timetable cases, and real time information and ensure that all dwellings are within 400 metres walking distance of the nearest bus stop. The new bus stop(s) should be shown on a plan as part of a future Reserved Matters application.

The Applicant has provided evidence of communications with a bus operator in the area which sets out the likely funding requirements to serve the site for a minimum of 5 years. In addition to the PT costs above the CHA will require a contribution to cover its own costs associated with implementing and administrating the bus service.

Therefore based on the evidence provided by the Applicant the CHA would ask the LPA that a **contribution to provide a bus service to the site is secured** as part of a S106 agreement if the Application is granted planning permission. Given the location and size of the development, there is a risk that the service may not be commercially viable and that funds may run out during the early stages of the development. This would then leave the development without a bus service. In order to minimise this risk, the CHA advises that the S106

be appropriately worded to enable flexibility in its use.

#### **Access to Services**

The CHA has previously provided comments in the observations dated 17 June 2015 on the location of the proposed development and its links to the rest of Melton Mowbray facilities/services.

Due to a lack of other facilities on site the local shops and services are at least 1.4km walk from the centre of the proposed development which is likely to lead to an increase of single occupancy car journeys.

The CHA were particularly concerned with access to John Ferneley College which is 1.8km from the centre of the site. The most direct walking route through Melton Country Park is currently unlit making it unattractive during winter and the alternative lit walking routes avoiding the country park are over 4 kilometres.

**However the contribution to PT improvements / sustainable transport measures outlined above and measures included in the Travel Plan will provide residents from the proposed development with an alternative to single occupancy car journeys.**

#### **Residential Travel Plan**

As part of the original Application a Travel Plan (Rev C dated February 2015) was reviewed and approved by the CHA. The TP includes the provision of travel packs, bus taster tickets, promotion of a car sharing scheme and opportunities for residents to cycle/walk to facilities/services.

Following receipt of the public transport evidence to serve the site the Applicant updated their Travel Plan (Rev D dated January 2017). This includes the proposed route for the bus service as shown in Appendix G of the TP.

Other Observations that affect the highway network which in the view of the Local Highway Authority cannot be considered “severe” in accordance with Paragraph 32 of the NPPF, but may impact on the amenity of the local community.

The Local Planning Authority is advised to consider if these are material and the relative weight which that they can give in planning terms to these amenity issues in their decision making processes:

Rat running and impact on surrounding roads

The CHA is aware that the LPA has received correspondence from local residents regarding the increase in traffic volumes on local roads within the

vicinity of the proposed development. With the introduction of the Northern and Eastern Distributor Roads the amount of additional traffic on Melton Spinney Road and Algernon Road is halved when compared with the Northern Distributor Road scenario on its own. On the basis of the Eastern Distributor Road and the request for S106 contributions towards the short term and long term SCOOT validation in the town centre the CHA does not consider that implementing traffic calming measures on these residential roads is appropriate.

#### **Impact of Twinlakes Theme Park**

The Applicant has also looked at the possible impact from the Twinlakes theme park which is to the north of the proposed development. Based on the travel patterns to Twinlakes the peak demand arising from Twinlakes does not coincide with the AM peak where congestion is at its worst. Although the majority of departures from Twinlakes could be in the PM peak hour the amount of development traffic (less than 30 trips over the hour) is unlikely to increase any existing problems significantly. On the basis that the development peak does not intensify a localised peak associated with Twinlakes traffic it is considered that the current traffic conditions associated with Twinlakes is independent to the proposed development. Accordingly, as the development would not have a severe impact during these localised peaks, the CHA advises that any mitigation sought to address congestion associated with Twinlakes peak periods would not meet the necessary tests to demonstrate the soundness of conditions and contributions.

#### **Summary and Conclusions**

**The County Highway Authority considers that the residual cumulative impact of this development is severe in accordance with paragraph 32 of the National Planning Policy Framework (NPPF), and that highway mitigation measures are required to make this proposed development acceptable in planning terms. However, due to the particular limitations of the existing highway infrastructure in the vicinity of the proposed Development it is considered that further mitigation will be required as part of the wider Melton Mowbray Transport Strategy. The CHA considers that the proposals meet these requirements and on that basis does not advise refusal of this Application.**

#### **Conditions**

1. Prior to first occupation of the development hereby permitted, the vehicular accesses to the site shall be provided in general accordance with JPP drawing number: S7107PM P001 Rev E.

Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety.

2. No development shall commence on the site until a scheme showing the change in speed limit to 30 mph for approx. 90 metres north of the northern site access shall be submitted to and approved by the LPA. No part of the development shall be occupied until the approved scheme including the gateway treatment as shown on JPP drawing number: S7107PM P001 Rev E has been implemented. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.

Reason: In the general interests of highway safety.

3. No part of the development shall be occupied until a scheme for the provision of a pedestrian footway on Melton Spinney Road between the site access and the junction of Melton Spinney Road / Thorpe End has been implemented to the satisfaction of the LPA.

The offsite pedestrian footway works should be designed to the current design standards of Leicestershire County Council and be a minimum of 2m wide where available (see Part 3 Table DG9: Pedestrian only routes of the 6Cs Design Guide).

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site.

4. No development shall commence on the site until such time as scheme for pedestrian accesses on the western side of the development including timetables for their provision has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and timetables unless in accordance with any variation first agreed in writing by the Local Planning Authority.

Reason: To improve connectivity to the site and in the interests of pedestrian safety.

5. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

6. Notwithstanding the submitted Travel Plan Revision D dated January 2017, a scheme of measures to reduce the amount of single occupancy car journeys to/from the site, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the submitted details prior to occupation of the approved development.

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site.

**S 106 requirements:**

- A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- A contribution of £1,730,600 towards Strategic Road improvements as considered appropriate by Melton Borough Council and the Highway Authority.
- A contribution of £750,500 for the provision of bus services calling at new bus stop(s) within the development site as indicatively shown in Appendix G of the TP Revision D dated January 2017.
- A contribution of £6,000 towards the short term and long term SCOOT validation for the Thorpe Rd / Saxby Rd, Norman Way / Scalford Rd and Norman Way / Wilton Rd strategic junctions in Melton Mowbray town centre.
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote

<p>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> <ul style="list-style-type: none"> <li>• A Travel Plan monitoring fee of £6,000.00.</li> </ul>	
<p><b>Severn Trent Water Authority:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted – The suggested condition can be attached to any permission granted.</p>
<p><b>Lead Local Flood Authority (LLFA) - Acceptable subject to conditions</b></p> <p>The LLFA consider that the proposed development will be acceptable if the following planning conditions are attached to any planning permission.</p> <p><b><u>Surface Water</u></b>  <b>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.</b></p> <p>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.</p> <p>Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.</p> <p><b>Reason</b>  To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.</p> <p><b>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</b></p>	<p>The applicant's Flood Risk Assessment confirms that the site is located in Flood Zone 1 and is at low risk from flooding.</p> <p>The application is in outline and does not include full and detailed drainage proposals. However the submitted plans include an illustration how attenuation ponds could be accommodated and the FRA submitted with the application proposes a system of attenuation to prevent water run off from the site increasing from that currently experienced. It proceeds to calculate the scale of attenuation required to achieve this (i.e volume) sufficient to meet a 1:100 event and an additional allowance to allow for climate change.</p> <p><b>Subject to the conditions specified opposite, it is considered that surface water drainage can be adequately managed to drain the site without exacerbating any flood risk downstream.</b></p>

<p><b>development has been submitted to, and approved in writing by, the Local Planning Authority.</b></p> <p><b>3.No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</b></p> <p><b>4. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm or discount the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.</b></p>	
<p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p> <p>The ecology report submitted with the application (EDP, September 2014) indicates that the proposed development is to be sited on an arable field. It appears that the existing hedgerows on site provide some ecological habitat, although the most significant of these to the south of the application site has been impacted as it is part of the existing residential boundaries.</p> <p>We note from the ecological report that a medium population of Great Crested Newts were found within the pond nearest the application site but within the county park boundary. <b>We are in agreement with the conclusions of the report in that the proposed development is unlikely to have a significant long-term impact on this population</b>, due to the existing sub-optimal nature of the habitat on the application site.</p> <p>However, we are in agreement that temporary mitigation will be needed for the application. We welcome the proposed layout submitted with the application (Drawing CSa/2362/102) and are pleased to see that this provides a buffer to the country park and also a buffer on the northern edge. We would therefore request that, should planning permission be granted, the following are incorporated into conditions of the development:</p> <ul style="list-style-type: none"> <li>- A full GCN mitigation strategy detailing the required Reasonable Avoidance Measures must be submitted in support of the full/reserved matters application. This will ensure that the local population of GCN can be maintained at their current conservation status.</li> <li>- The final layout should be in accordance with drawing CSa/23362/102, particularly</li> </ul>	<p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of protected species nearby.</p> <p>The mitigation measures in relation to site layout can be the subject of conditions.</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping and attenuation features. While this is an outline application it is clear that the buffer zones requested could be provided to enhance biodiversity.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</b></p>

concerning the west and north boundaries. These should be used for habitat creation and comprise predominately locally native species.

It is inevitable in developments such as this that Melton Country Park will be under increased pressure. We therefore welcome the provision of open space within the proposed development to help to mitigate this.

Again, we would recommend that the boundary features adjacent to the country park and to the north are planted with native species to increase their biodiversity value.

### **Great Crested Newts**

Additional great crested newt (GCN) surveys have been completed as previously discussed. **These surveys confirmed the presence of a medium population of GCN on the Country Park** and whilst smooth newts were found, no GCN were found within the garden ponds. **Consider that these surveys and findings are satisfactory and no further survey work is required in relation to these species at this time.**

Should planning permission be granted, the following are incorporated into conditions of the development:

A full GCN mitigation strategy detailing the required Reasonable Avoidance Measures must be submitted in support of the full/reserved matters application. This will ensure that the local population of GCN can be maintained at their current conservation status.

The final layout should be in accordance with drawing CSa/23362/102, particularly concerning the west and north boundaries. These should be used for habitat creation and comprise predominately locally native species. The plot layouts should be designed not to back on to these features. This will form part of the GCN mitigation strategy and provide an ecological enhancement of the site.

**Satisfied that the ecologist has adequately surveyed and mitigated for GCN on this development site** and these are therefore our final comments on this matter.

The applicant should be aware that ecological surveys are only considered to be valid for 2 years. We would therefore request that a condition is forwarded to the applicant with any permission granted requiring an updated survey to be completed either prior to the submission of the



<p>reserved matters application (if two years after the ecological survey)</p>	
<p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that, whilst no archaeological remains have as yet been recovered from the development site, the application lies in an area of archaeological interest with prehistoric (HER ref.: MLE6388 &amp; 8411), Roman (MLE8410) and medieval/post-medieval artefacts (MLE6883 and 9048) recorded in the immediate vicinity.</p> <p>In response to earlier pre-application discussions the developer has completed a geophysical survey of the development site (Phase ref.: ARC/1401/507), which concludes:</p> <p>The majority of the anomalies identified by this survey are thought to relate to agricultural practice...[however there] are several large areas where magnetic disturbance could mask anomalies from other sub-surface features in the area.</p> <p>A number of anomalies have been identified whose cause cannot be determined with certainty. There is a grouping of isolated responses which stand out as being atypical for this site. A broad, diffuse curving trend in the north-west also stands out but the origin of this cannot be determined...</p> <p>Whilst the geophysical survey cannot present a definitive understanding of the archaeological potential of the site, the results demonstrate close correlation with the historic mapping confirming the relatively recent agricultural character of the majority of the legible anomalies. The remaining features present an uncertain archaeological potential, <b>it is recommended that the applicant be required to make provision for a staged programme of archaeological investigation and recording</b>, commencing with an initial phase of exploratory trial trenching, this work to be secured by condition on any planning permission.</p> <p><b>Three conditions are proposed</b>, relating to :</p> <p>1) No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording (including the</li> </ul>	<p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be controlled by conditions.</p>

<p>initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)</p> <ul style="list-style-type: none"> <li>• The programme for post-investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/ organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p>	
<p><b>Developer Contributions: LCC</b></p> <p><b>Waste</b> - 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 £16,532.00 (to the nearest pound).</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 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.</p> <p>The existing Civic Amenity Site serves a large number of households, the level of the amount reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development.</p>	<p>The County Council consider the Civic Amenity and Libraries contributions to be 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 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 facilities (Melton Mowbray) to the proposed development.</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 waste and libraries 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>

The contributions would go towards project MEL009 at the Melton Civic Amenity Site. Project MEL0010 will increase the capacity of the Civic Amenity Site at Melton to fund:-

- Mobile plant compaction attachment to compact waste stored in open topped containers to increase the sites capacity.

**Libraries** –The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

Melton Mowbray Library on Wilton Road, being the nearest local library facility would serve the development site. The library facilities contribution would be **£6040** (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.

The contribution is sought for research and study material e.g. books, newspapers, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. MEL002. There are currently four other obligations under MEL002 (subject to change due to future priorities of the library service).

### **Education**

#### Primary

The site falls within the catchment area of Brownlow Primary School. **The School has a net capacity of 630 and 662 pupils are projected** on the roll should this development proceed; a deficit of 32 pupil places, after taking into account the 48 pupils generated by this development. There are currently no pupil places at this school being funded from S106 agreements for other developments in the area.

There is 1 other primary school within a two mile walking distance of the development.

( The Grove Primary School which has a Surplus 82 (after 23 S106 funded places have been deducted)

**There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 50 pupil places. An education contribution will therefore not be requested for this sector.**

#### **Secondary Education**

Noted.

<p>For 11 to 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 2004 pupils projected on roll should this development proceed; a deficit of 104 pupil places. A total of 7 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have been discounted. This reduces the total deficit for these schools to 97 (of which 63 are existing and 34 are created by this development).</p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £597,064.08. Based on the table above, this is calculated the number of deficit places created by the development (33.4) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals <b>£597,064.08</b>.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at John Ferneley College or Long Field Academy or any other school within the locality of the development.</p> <p><b>Highways</b></p> <p>See page 11 above</p>	<p>It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122. The contribution will be used to mitigate against the increase in pupils.</p>
<p><b>LCC Rights of Way</b></p> <p><b>The Definitive Map of Public Rights of Way for Leicestershire shows that there are no recorded public rights of way across the site.</b></p> <p>No objections to the proposal a comment on the grounds of sustainability. The site layout plan and documentation indicate that two pedestrian / cycleway links are to be provided between the development and the Country Park. Such a link(s) is integral to providing non-vehicular access from the site to the wider recreational network north of Melton, across the Country Park to the northern parts of the town, including the John Ferneley College and into the town centre via the cycleway and footpath networks.</p> <p>In light of the above, at least one of the proposed links should be constructed to the County Council standard for a cycleway/footway and form part of the adopted highway network. This will reflect a</p>	<p><b>The proposal would have no impact on existing rights of way.</b></p> <p>However the applicant has not secured agreement from the landowner to create a connection to the footpaths within Melton Country Park, though has offered to make financial provision to allow this (as part of the proposed s106 Agreement) if agreement is forthcoming. Therefore it is considered that the application should be considered on the understanding that such a connection cannot be guaranteed and assessment of its sustainability in terms of access to facilities, and connectivity, should take place on this understanding. These issues, and their influence on the merits of this application, are addressed later in this report.</p>

<p>similar arrangement in the estate immediately south of that proposed where an adopted highway link runs from Ross Close to join the same cycleway network.</p>	
<p><b>Scaford Parish Council</b></p> <p>Irrespective of the properties to be built it is obvious that little attention had been paid to the main issue of Melton Mowbray, which is the appalling traffic congestion in and around the town and surrounding area. It appears that you were unaware of a local entertainment attraction called Twin Lakes just a few yards up from your proposed development along the continuation of Melton Spinney Road.</p> <p>This venue at school holiday times in particular generates considerable traffic through the town and in late afternoon when visitors leave down Melton Spinney Road to join Thorpe Road and along into the town, the road becomes gridlocked. Add to this traffic coming along the A607 from Grantham and the whole area is gridlocked.</p> <p>We know from experience with the Twin Lakes traffic whilst it is supposed to go down Melton Spinney Road onto the Thorpe Road a lot of it doesn't because the road is gridlocked. Therefore the only other way it can go is up through Scaford and out that way which gives access to Leicester and Nottingham. If your proposal went ahead this would without doubt create a considerable amount of additional traffic movements through Scaford village as residents would go this way to avoid going through the town. Scaford is a small rural conservation village that is not built to take modern day traffic volumes, and your proposal would just create a rat run through the village.</p> <p>Whilst you have highlighted your plans for landscaping and making the development attractive to the eye you have not made any mention of addressing the problems your development would create.</p> <p>You have not mentioned the fact that the towns' essential services doctors/ schools / buses etc are all running at capacity as are all other essential services related to a small town. You may well feel this is not your problem and that your job is to build houses, there has to be some consideration to these other matters.</p> <p>From Scaford Parish Councils point of view we would look to the Borough and County Council to determine the matter of essential services. We would however strenuously object to this proposal on the basis of the traffic it would generate that would ultimately come through Scaford and cause damage to the infrastructure of the village.</p>	<p>Issues of traffic and their impact on safety and congestion are critical to this application and are addressed by the Highway Authority above. Briefly, to avoid repetition, it is recognised that traffic is a serious problem and a strategic solution is proposed (the MMTS), which incorporates exactly the suggestion made by the PC (a connection from A606 to A607). This would enable traffic from this development and others to be accommodated whilst at the same time alleviating the issues described. The developer has proposed to contribute a share to this solution and it is considered that this is commensurate to the scale of development proposed.</p> <p>However, whilst there is strong cause for optimism, there is no guarantee that this will be in place before the houses are constructed and as such consideration has been given to the impact prior to the solution being in place. This has been evaluated by the HA and it is considered that adequate measures can be put in place to mitigate the impact in the interim.</p> <p>A range of other services will be affected by the application and they have commented on their capacity and scope to accommodate the proposal. Where capacity does not exist, request for funding to allow expansion have been made (e.g. for libraries, waste, education, police).</p> <p>The Transport Assessment referred to has been superseded by a revised version which builds upon information available from studies carried out by MBC and LCC and which lead to the conclusions described above.</p>

<p><b>Inaccuracies in Developers Transport Assessment</b></p> <ol style="list-style-type: none"> <li>1) Reference to “predictions” in traffic generation to the potential effect on Scalford - please refer to paragraphs 5.4.2., 6 , 9.9 - 9.12, 10.1- 10.2 and 10.6 in the attached report Road Safety Assessment for Scalford</li> <li>2) Impact of increased traffic and reduced road safety in Scalford and Melton Spinney Road – please refer to paragraphs 9.1-9.3 and 10.2 -10.4 for Scalford and paragraphs 9.15-9.16 for Melton Spinney Road in the attached report.</li> <li>3) Sustainability of development actually encourages car usage rather than promote more sustainable transport – please refer to paragraphs 5.4.3 - 5.4.9, 9 – 9.16 and 10.6 in the attached report.</li> </ol> <p>The Parish Council look to the Borough and County Council to protect the conservation village of Scalford from increased traffic flows through the village that there without a doubt will be.</p> <p>As will be seen from the report commissioned by the Parish Council, Scalford Village has become a rat run and not only that the number HGV’s transiting the village is increasing all the time. This situation needs addressing by both Borough and County and could be easily rectified by a road running from the Nottingham Road round to the A607 Grantham Road.</p> <p>With proposed and actual development on the two roads into Scalford from Melton and with the third road in Scalford leading out and giving access to Leicester and Nottingham, it will only encourage more traffic to pass through Scalford.</p> <p><b>The Parish Council therefore if for no other reason oppose this proposed development on the grounds traffic flows that it will generate.</b></p>									
<p><b>Leicestershire Police</b></p> <p>A very detailed explanation and background information is supplied by the police in support of their request.</p> <p><b>The need for a Policing contribution is identified.</b></p> <p>The contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.</p> <table border="0"> <tr> <td>Start up equipment</td> <td style="text-align: right;">£7642</td> </tr> <tr> <td>Vehicles</td> <td style="text-align: right;">£4752</td> </tr> <tr> <td>Additional radio call capacity</td> <td style="text-align: right;">£370</td> </tr> <tr> <td>PND additions</td> <td style="text-align: right;">£240</td> </tr> </table>	Start up equipment	£7642	Vehicles	£4752	Additional radio call capacity	£370	PND additions	£240	<p>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.</p>
Start up equipment	£7642								
Vehicles	£4752								
Additional radio call capacity	£370								
PND additions	£240								

<p>Additional call handling           £850  ANPR                                   £2055  Mobile CCTV                       £375  Additional premises               £50850  Hub equipment                      £400  <b>Total                               £67534</b></p>	
<p><b>Housing Policy</b>  The viability assessment, concludes that 17% AH is viable and can be delivered in the following tenure and size mix:</p> <p>Affordable Rent</p> <p>15 x 2 bed houses  12 x 3 bed houses</p> <p>Shared Ownership</p> <p>4 x 2 beds  3 x 3 beds</p> <p>Total: 34 units</p>	<p>The applicants offer for affordable housing is 10% (20) having had regard to viability considerations.</p> <p>Both 10% and 17% fall well below the identified local need that forms the starting point for consideration. The proposal has been the subject of viability testing which has been independently scrutinised on behalf of MBC and has concluded that meeting need in full is not viable. The differences between the applicant's 'offer' and the independent viability review (10 and 17% respectively) is explained in full by the profit margins assumed. The developers profit (20%) is considered legitimate as it is industry standard and features in methodologies devised, which have been accepted elsewhere in such exercises.</p> <p>PPG advises that s106 obligations should not be so onerous as to stifle development. Guidance is provided that, when considering developer contributions, regard should be had to landowner and developer returns in order to ensure requests do not deter landowners from selling land and developers from developing it. The viability assessment addresses this in detail and confirms that these lower levels of affordable housing provision are necessary in order to facilitate development. As such the reduced level proposed is considered acceptable under the terms of PPG.</p>
<p><b>MBC Environmental Health</b></p> <p><b>Contaminated Land – recommend conditions:</b></p> <p>No development approved by this planning permission shall be commenced until:</p> <p>1) The development shall not commence until a scheme to identify and control any environmental risk is developed and undertaken. This will include a desk top study (Preliminary Risk Assessment /Phase I Investigation) and, if indicated by the desk top study, an intrusive investigation (Generic Risk Assessment/ Phase II Investigation). The scope of the intrusive investigation must be approved by the Planning Authority before commencement. In reaching its decision to approve such proposals the Planning Authority will have regard to currently pertaining government guidance as set out in the CLR series of documents(particularly CLR 11) issued by DEFRA or any subsequent guidance which replaces it.</p> <p>A written method statement detailing the remediation requirements to deal with any environmental risks associated with this site shall be</p>	<p>The measures opposite can be incorporated as conditions on any permission granted.</p>

submitted and approved by the Planning Authority prior to commencement of the remedial works. The method statement should also include details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. All requirements shall be implemented according to the schedule of works indicated on the Method Statement and completed to the satisfaction of the Planning Authority prior to the development being brought into use. No deviation shall be made from this scheme without the express written agreement of the Planning Authority.

3) If, during the development, any contamination is identified that has not been considered previously, then, other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to the Planning Authority for written approval (this would normally involve an investigation and an appropriate level of risk assessment). Any approved proposals shall thereafter form part of the Remediation Method Statement.

4) Prior to the development first being brought into use a verification report must be submitted to the Local Planning Authority demonstrating that the works have been carried out. The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement. The development should not be brought into use until the verification report has been submitted to and approved in writing by the Local Planning Authority.

5) In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

**Environmental Protection - Site Specific Construction Environmental Management Plan**

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:



<p>I. Procedures for maintaining good public relations including complaint management, public consultation and liaison</p> <p>II. Arrangements for liaison with the Council's Pollution Control Team</p> <p>III. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:00 Hours and 19:00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays</p> <p>IV. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.</p> <p>V. Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.</p> <p>VI. Procedures for emergency deviation of the agreed working hours.</p> <p>VII. Measures for controlling the use of site lighting whether required for safe working or for security purposes.</p>	
<p><b>NHS England</b></p> <p>The proposed site is within the practice boundary of the Latham House GP practice in Melton Mowbray. This is the only GP practice within Melton Mowbray and therefore is likely to attract the new patients from the proposed development.</p> <p>The GP practice at Melton Mowbray has identified that patient growth will necessitate an expansion of their facilities if the practice is to maintain access to services. The practice has capacity on their site to extend the healthcare facility further.</p> <p>The amount requested is proportionate to the scale of the housing development proposed.</p> <p><b>A contribution of £79,336.22 is requested.</b></p>	<p>The NHS has provided details to their method of calculation and a description of the need for the contribution and the purpose to which it will be put.</p> <p>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.</p>

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result **72 letters of objection from 61 residents** have been received. Representations have been received from Thorpe Residents Group representing a number of adjacent residents.

Representations	Assessment of Head of Regulatory Services
<p><b>Sustainability</b></p> <p>The site is unsustainable owing to its distance from</p>	<p>Though at the town's northern edge it is not considered that the site could be regarded as unsustainable owing to</p>

<p>the Town's facilities.</p> <p>The site does not connect to other parts of the town and journeys are therefore required to be along footpaths and past all other development.</p> <p>Lack of connectivity with other parts of the town.</p> <p>The houses will not be occupied by people working locally and will simply add to Melton's role as a dormitory and commuting area for larger centres such as Leicester and Nottingham.</p>	<p>its geographical position. It would still be relatively close to the town's main town centre facilities – commensurate with other parts of the town – and there are several on the north side of town which it would be close to, for example the Country Park, supermarket on Thorpe Road, various schools etc.</p> <p>Whilst naturally commuting takes place in several directions, Melton's statistics demonstrate it is more 'self contained' than many areas. The main factor behind growing population and need for housing (further details below) is organic growth of the exiting population, particularly that births will continue to exceed death rates.</p>
<p><b>Housing type and mix</b></p> <p>There are insufficient bungalows mentioned in the development. Recent research has identified a demand for this type of housing.</p> <p>The town does not require more large 'executive' type housing.</p> <p>There is no need for additional housing in the town.</p>	<p>The application is in outline and whilst it shows a mix of houses, these are indicative only. The full details would be the subject of reserved matters, and conditions can be applied to require that these incorporate locally identified needs including bungalows.</p> <p>Affordable housing is proposed at 10% (see above), 5 of which are proposed to be bungalows.</p> <p>There is a very strong need for housing in the Borough and supply has been inadequate in recent years. The need for new housing is well established and was reconfirmed by the Borough Council's Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and 'Towards a Housing Requirement' (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.</p>
<p><b>Flooding</b></p> <p>There are flooding issues in this area and this will make it worse.</p> <p>There is a surface flow across the site which directs water to the SE corner where it is intercepted by a ditch (which continues along the south boundary, along the rear of the Carnegie Crescent properties) and discharges via a culvert under Melton Spinney Rd into Thorpe Brook.</p> <p>The culvert is often blocked and this results in the backing up of surface water and flooding in and around the SE corner of the site, and in adjacent gardens</p> <p>SuDS proposals indicate the attenuation pond will be in a location illogical to collect water</p>	<p>The proposal includes a drainage strategy which has been reviewed and found to be acceptable in principle by the LLFA.</p> <p>The application is in outline and full details, along with calculations for capacity etc and future management recommended by the LLFA.</p> <p>The design proposes to intercept water on the site in attenuation ponds and released only when the receiving water course has capacity. This would ensure it is released at a rate no greater than its current undeveloped condition. This will require that the culvert is functioning properly including such clearance/repair work as necessary. Such systems are required to be constructed as capable of accommodating a 1:100 rainfall event plus 40% 'headroom' capacity for climate change and as such will be able to reduce the quantity of water entering the watercourse than occurs naturally.</p>

	The location shown in the plans is illustrative only and full details will be required
<p><b>Landscape</b></p> <p>The Landscape and Visual Appraisal indicates that the site would not seriously detract from the landscape of the area but that is contested, as it is highly prominent from several directions and rises east to west and south to north.</p> <p>The site is in a prominent edge of town location with unobstructed views from approaches on Thorpe Rd. Melton Spinney Road and many footpaths in the area. It would completely change the current appearance of the site and present a developed 'harsh' edge to the town. The site has no screening to soften views of it from the north or east.</p> <p>The higher parts of the site, close to the Country Park boundary are strongly prominent over long distances and housing here would be especially prominent.</p> <p>The higher ground is the worst possible location to suggest 3 storey dwellings</p>	<p>The site is currently unoccupied except by a farm building which would be demolished. The site is highly visible as described opposite especially from higher ground to the north and north east.</p> <p>The site is not 'protected' or 'designated' in planning terms (e.g as an AONB, National Park or Green Belt) and whilst it would undoubtedly change character as a result of the development, this is not considered to be sufficient grounds for refusal.</p> <p>The town currently presents a 'hard edge' to the countryside and the application offers the opportunity to improve upon this. However this needs to be considered in the context of potential future development which could undermine efforts made on the site itself.</p> <p>The Landscape Character Appraisal for the area 2015 (the most recent) includes the site within LCZ1 to the north of Melton Mowbray which describes it rolling topography, rural character and the harmful impact of development intruding on the sky line and harsh urban edges. Overall it describes the landscape sensitivity of this area to large scale residential development is medium to high, due to the varied topography which effectively forms the hinterland to the town, plus the tranquil rural character and the availability of expansive views from elevated points. It makes a series of recommendations for development in this area:</p> <ul style="list-style-type: none"> <li>• Development on higher ground should be avoided</li> <li>• Development should not extend so far as to detract for the town being perceived as a 'valley town'.</li> <li>• A softer edge to the town should be developed; development density should be graduated as it reaches the edge (max 2 storeys at the edge).</li> <li>• Landscaping is required to avoid breaking the skyline</li> <li>• Landscape proposals should contribute to a local green infrastructure network, which should also connect to the existing country park.</li> </ul> <p>It is agreed that careful design is required owing to the sites topography (and other issues subsequently addressed below). Whilst accompanied by illustrative plans, these are not binding and it is considered that several such issues are matters of such importance that they impact on the acceptability or otherwise of the site and require specification at outline stage (in order to inform and be incorporated within reserved matters). These should include specification of the type of housing to be accommodated on higher parts of the site, boundary and screening features and the retention of existing hedgerows.</p> <p>However the site also forms the southern part of a wider</p>

	<p>housing allocation in the emerging Local Plan such that its northern boundary may, eventually, adjoin further development and not form the edge of the town. Therefore it is considered that a cautious approach is needed in order to prevent creating an urban edge suitable for the edge of the town that may be incongruous and inappropriate if further development occurs to the north.</p>
<p><b>Facilities</b></p> <p>The town's facilities cannot cope with such a large increase in demand.</p> <p>Schools have inadequate capacity.</p> <p>Services are overstretched and cannot cope with existing demand .</p> <p>Waiting times at Latham House are already excessive and unacceptable.</p> <p>(n.b. highways infrastructure is addressed separately)</p>	<p>See Education Authority comments above - the LEA has advised that there is capacity at primary level but does require financial contributions to facilitate extensions at secondary level.</p> <p>Similarly the Police have identified the impact on demand and have calculated the contribution required to meet this.</p> <p>Many public sector financial arrangements have a population 'component' built in to their grant funding which triggers additional funding as populations grow.</p> <p>In terms of private services such as retail within the town centre, it is considered that the additional demand from further housing can only support provision.</p>
<p><b>Traffic, Highways and Road Safety (general)</b></p> <p>The road network in and around the village is not able to cope with existing traffic let alone additional.</p> <p>In conjunction with other existing or impending planning applications this would put too much pressure on the junctions in the immediate and wider area.</p> <p>The Council needs to find a solution to the town's traffic problems before any new development takes place.</p> <p>Development should only be permitted AFTER the ring road is built</p> <p>The northern part of the Distributer Road will do nothing for congestion until linked to other sections.</p>	<p>The Council and Highways Authority has devised a proposal to address the town's traffic issue sand to allow growth in the form of the Melton Mowbray Transport Strategy incorporating the Distributer Road. Details are provided under the HA comments and response on pages 4 – 11 above and are not repeated here. This is sufficient to accommodate all of the proposed development from various planning applications and that identified in the emerging Local Plan, and will also address through traffic.</p> <p>There are strong reasons to be optimistic that the application for funding of the MMDR will be successful and if so, that the road will be built in 2021 which would typically be in advance of the houses proposed (on this site and elsewhere). The application also proposes a significant contribution towards these solutions, which is considered proportionate to its scale. However, as explained above, this is not guaranteed and the impacts of the development have been considered accordingly. The HA advise that the impacts would be severed but that mitigation is possible to prevent this conclusion, which can be incorporated as conditions and s106 obligations.</p> <p>Traffic Modelling work carried out to develop the MMTS have identified that the north link (Nottingham Rd – Melton Spinney Rd) alone would provide sufficient capacity for all of the development anticipated north of the town (1500 dwellings) associated with that length, and still deliver some</p>

<p>The Northern part of the distributor road will lead traffic to Melton Spinney Rd and worsen conditions there and particularly its junction with Thorpe Rd, which already dangerous.</p>	<p>benefits for the town centre junctions. Clearly it will accommodate traffic from 200 dwellings with some margin to spare.</p> <p>As stated above, there are strong grounds to be optimistic that the MMDR will be carried out as a composite project, in which case it will link directly to Thorpe Road and produce substantial alleviation to this junction. However if this is not the case the development of the north link will need to assess this junction and devise improvements if necessary.</p> <p>In terms of the current proposal alone, the functioning of this junction has been examined and it has been found to be adequate at 'peak hour' and capable of accommodating the proposed development.</p>
<p><b>Traffic, Highways and Road Safety (specific)</b></p> <p>The access is located in a position where vehicles pass at high speed</p> <p>There is a pinchpoint in Melton Spinney Rd where it narrows and 2 vehicles cannot pass safely, especially if one or other is a van, bus or HGV.</p> <p>The junction of Melton Spinney Rd with Thorpe Rd is already dangerous and additional use would exacerbate this.</p> <p>The traffic assessment has failed to properly take into account the impact of Twin Lakesakes</p> <p>Melton Spinney road is often congested with queues extending beyond the exiting built up area. This is a regular occurrence but is also occurs when Twin Lakes has an event and during its peak trading period in the summer/school holidays.</p> <p>Queues on Thorpe Rd often extend all the way back to the Melton Spinney Rd junction and residents from Carnegie Crescent and other residential areas cannot gain access. Clearly these will only get worse from a further development of this scale.</p> <p><b>Following receipt of the comments from the Highway Authority (as reported above, pages 5-11), several specific concerns were raised and addressed additionally:</b></p> <p>The most significant aspect of the Melton Mowbray Transport Strategy is undoubtedly the creation of an outer distributor road around the town. Whilst TPR acknowledge that funding has been secured to produce a business case for the Northern and Eastern distributor routes, they consider that in the absence of a detailed funding and development plan for the actual building of the distributor road, it is premature for the LHA to cite the Transport Strategy as</p>	<p>These issues are addressed by the response of the HA reported above.</p> <p>It is recognised that, whilst there is cause for optimism, the funding for the MMDR is not guaranteed. The HA has therefore considered the impact of the application in this scenario, whether short or long terms and advises that – subject to mitigation – impacts can be prevented from being 'severe'. The mitigation proposed can be secured through s106 contributions.</p>

mitigation. Furthermore, even with a detailed funding and development plan, it will be many years before the distributor road is realised in its entirety, which in reality means that there will be no timely mitigation for the severe impact highlighted by the LHA.

In previous observations about the planning application (June 2015), the County Highway Authority (CHA) advised refusal, noting that the proposed development would result, 'in a severe impact by virtue of delays to traffic moving in and around the town.' At that time, approval had been given for the construction of only 91 dwellings elsewhere in the town. Since then, applications have been made for @ another 3000 dwellings within the town, some of which are already under construction, which can only worsen the original traffic concerns expressed by the CHA. This significant increase in planning applications is a material factor that TPR believe has not been fully considered within the latest observations from the LHA.

In regard to promoting walking and cycling as a means of mitigating the traffic impact, the Travel Plan (January 2017) considered by the LHA in making its observations, acknowledges that Melton Spinney Road has no footpath beyond the existing Thorpe Park development (1.5.2.1) and the development proposals make no provision to extend this. This raises concerns about traffic and pedestrian safety along Melton Spinney Road. Accordingly, one of the conditions specified by the LHA is, 'no part of the development shall be occupied until a scheme for the provision of a pedestrian footway on Melton Spinney Road between the site access and the junction of Melton Spinney Road / Thorpe End has been implemented to the satisfaction of the LPA.' However, given the width of Melton Spinney Road, TPR questions if and how this condition can be implemented, particularly at the pinch point to the south of the proposed development where the road narrows to just 4.8m.

As a further means of mitigation, the LHA notes that, 'there will be additional pedestrian site accesses on the western side of the development. These will provide direct links to the existing footpath network within Melton Country Park and provide an alternative route into the town centre'. Due to concerns about the impact on biodiversity, this access is opposed by Friends of Melton Country Park. The Country Park also has QEII Fields in Trust status, from whom permission would need to be obtained to access the Park in this way. Furthermore, the Melton Biodiversity and Geo-diversity Report (2011) states that there should be no further incursion to the north and east of the park. Even if access into the park is granted, walking distance to a

The HA has recommended a condition requiring the extension of the footpath beyond 'Thorpe Park' which can be included should permission be granted. There is not considered to be a reason why this could not be achieved without narrowing the carriageway further at this point and this provision is shown on the site access plan.

The issue of access to the Country Park and the implications for this proposal are address later in this report. It is considered that even without this link, the location of the site is sustainable and compares favourably in terms of access to services to very many developments, existing and proposed.

<p>town centre is listed as being ‘Acceptable’ at 400m with a ‘Preferred Maximum’ at 800m, considerably less than the distance of almost 2000m from the proposed development site. Therefore, TPR consider that in reality, very few residents will use this route to walk or cycle into town and as such it offers negligible mitigation for the severe traffic impact.</p> <p>With regard to the use of public transport as a further means of mitigation, having scrutinised the proposed bus service and links to other modes of transport, TPR concluded that the transport solutions described in the Travel Plan are unrealistic, offer no real choice to residents and are therefore unsustainable. The CHA acknowledges that, ‘Given the location and size of the development there is a risk that the (bus) service may not be commercially viable and that funds may run out during the early stages of development. This would then leave the development without a bus service.’ TPR agree with this statement and the recent cessation of local bus service 18 illustrates how the viability of an ongoing bus service to the proposed development is highly unlikely, thereby providing no real mitigation.</p> <p>The Applicant is also proposing to include one bus at drop-off / pick up time at Long Field Academy, but in reality, most children of secondary school age are likely to attend John Ferneley on Scalford Road. Whilst the most direct access to John Ferneley is through Melton Country Park, a significant part of the route is on tracks through woodland so is less likely to be used during winter.</p> <p>Finally, although TPR recognises that the CHA, ‘does not advise refusal of this Application’, the CHA has specified several conditions to mitigate the severe impact of the proposed development. Furthermore, in addition to these conditions, the fact that the CHA considers, ‘that further mitigation will be required as part of the wider Melton Mowbray Transport Strategy’, illustrates that without a comprehensive and realistic mitigation plan, the proposed development is unsustainable.</p> <p><b>Until such time as there is substantive and timely action to mitigate the severe traffic impact of the proposed development, as highlighted by the LHA, TPR believe that the application contravenes the NPPF and therefore should be refused.</b></p>	<p>Noted. The proposals include a substantial public transport payment to facilitate the longer terms support of the services proposed.</p> <p>Melton Mowbray has a shared catchment area and children attend both schools and less than the distance many travel to school. The site is a similar distance from the school to other parts on the edges of the town. The distances involved are not considered excessive even if schoolchildren do not cut through the Country Park</p> <p>It is clear that the CHA identify the potential for ‘severe harm’ from the proposal but have identified mitigation measures for both short and long term to reduce this severity to a level considered acceptable. These can be incorporated into any permission granted as conditions or developer obligations via s106.</p> <p>PPG guidance is clear that conditions should be used to overcome and/or mitigate issues and allow developments to be approved if they would otherwise fail. The advice of the HA has followed this direction and as a result, approval, subject mitigation measures, is appropriate.</p>
<p><b>Local Plan</b></p> <p>The application is opportunistic, whilst the Local Plan is being prepared.</p> <p>Applications should not be dealt with until the LP is</p>	<p>The Local Plan is well advanced but not yet complete. It is therefore a material consideration for all applications but does not yet carry the weight of the law and needs to be considered alongside all other considerations. Further commentary on its application is provided</p>

<p>in place</p>	<p>below.</p> <p>The Council has a duty in law to determine Planning applications and they cannot be postponed pending completion of the Local Plan.</p>
<p><b>Residential Amenity</b></p> <p>The development would significantly and adversely affect the residential amenities of residents on Carnegie Crescent through:</p> <ul style="list-style-type: none"> <li>- Loss of view</li> <li>- Loss of privacy/overlooking</li> <li>- Harm to boundary treatment</li> <li>- Overshadowing</li> </ul>	<p>.The houses along the south boundary of the site generally – but not exclusively – back on to the site with gardens of various lengths. There is also a difference in levels along part of this boundary with some of the existing houses set at a lower level than the site, extending to approx. 2m.application is in out. There is a mature hedge running continuously along the south boundary which it is explained is the ownership and responsibility of exiting residents and also a drainage ditch they are required to maintain via covenants on their houses.</p> <p>The application site is sizeable and there is considered to be no impediment on it being able to be designed so as to afford the required level of separation distance and protection of these features. Indeed an illustrative cross section has provided showing how this could be achieved, providing both the separation required and protection of/access to the hedge and ditch to allow maintenance (caution is required with this diagram due to its illustrative status and that it provides only examples of the relationship suggested, rather than a solution for every property).</p> <p>This is considered to be an issue of some significant and therefore conditions are suggested, should permission be granted, requiring that the buffer zone and planning shown with the diagram is a feature of ‘reserved matters’ applicable to ALL house to house relationships.</p>
<p><b>Wildlife</b></p> <p>The application will impact on wildlife observed on the field and in its hedges</p> <p>There are Great Crested Newts in the Country Park and in ponds within adjacent gardens</p> <p>The site is used by birds of prey for hunting</p>	<p>The site has been the subject of an ecological survey which found that it was of little value. This has been independently scrutinised by the Council’s ecological advisors who concur with its findings.</p> <p>Further inspections were carried out upon the report of Great Crested Newts and a proposed mitigation scheme was presented to address this which is acceptable to our expert advisors.. This should be made a requirement of any permission granted (see pages 13 and 14 above).</p>
<p><b>Impact on Melton Country Park</b></p> <p>The application would interrupt the passage of wildlife between the Country Park and countryside beyond (animal tracks are present on the west boundary showing how animals travel form the site to the Country Park).</p> <p>Access to the Country Park would be harmful to its wildlife interest. Many species of animal are present (deer, bats, birds included) which would be</p>	<p>The site is of considerable scale and relatively free from constraint and as such it would be possible to incorporate areas suitable for wildlife and ‘wildlife corridors’ into its design. This should be made a condition of any permission granted, reflecting its importance. The illustrative plans referred to earlier show one way how this could be achieved but as commented previously, this is not ‘binding’ unless reinforced by condition(s).</p>



<p>disturbed.</p> <p>The development would have a substantial affect on the character of the Country Park and the experience of those using it. It would infill a parcel of land important to the Country Park because the shared boundary is one where a true appreciation of the Country Park’s countryside setting and surroundings can be appreciated due to the lack of development and unfettered views.</p> <p>Enclosure of the Country Park with housing would change its essential character as a ‘country park’ into a more urban feel.</p> <p>A <u>substantial</u> buffer zone should be required between the Country Park and the housing (400m suggested)</p>	<p>The part of the Country Park adjacent contains a formal, surfaced track and is well used for recreation. It is not considered that the proximity of housing would further impact on wildlife nor has evidence been produced to signify that this area is particularly rich or sensitive in ecological terms.</p> <p>It is correct to identify that views from the Country Park will be affected (largely obstructed) and the visual connection between it and the countryside beyond would be largely lost for the length of the shared boundary. The experience would be similar to other parts of the Country Park which is bordered by development. Whilst this can be mitigated (see again the Illustrative Plan as a suggestion how this could be achieved) it is considered that it is an adverse effect that cannot be completely averted. As such, it is a negative factor that needs to be weighed in the overall balance of the issues required (this ‘balancing exercise’ is addressed at the ‘Conclusions’ section of this report.</p> <p>With regard to mitigation, against is considered to be a factor of such importance that it should be the subject of a condition at this stage, in order to define ‘reserved matters’, should permission be granted. It is considered the scale of ‘buffer zone’ proposed would be unreasonable as it would negate most of the development, and importantly no evidence has been submitted to illustrate why such a scale is necessary or desirable. As such it is not suitable as a condition. There is no prescription or standards for such features and, given that the need is visual impact, character of the Country park and the experience of walking on/close to the east boundary is the key objective, a distance capable of accommodating meaningful planting and other features if suggested. The illustrative plan shows approx. 20m width which is considered to be the minimum necessary to achieve this objective. Finally, in considering this issue, the Committee is reminded that conditions need to be both ‘necessary’ and ‘reasonable’ and as such should only extend to a depth that is justified by its objective.</p>
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**Other Material Considerations, not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Access into the Country Park</b> As addressed above, agreement has not been secured to make a direct connection into the Country Park as shown on the illustrative development framework plan and referred to in supporting documents.</p> <p>The applicant has made provision for this to be achieved as part of the s106 proposals but it remains contingent upon agreement from the landowner (MBC, within the remit of CSA Committee – n.b. Planning Committee cannot adjudicate on this issue). For this reason consideration should be carried out on the basis that there is uncertainty</p>	<p>The absence of a guaranteed connection into the Country Park – linking directly into its north/south footpath network is considered to reduce the proposals ‘sustainability credentials’. Such a connection would add value to the application as it would assist with planning objectives of connectivity, access to recreation facilities, attractive routes for walking/cycling and alternative routes to several facilities, most notably the Country Park itself and John Ferneley Cottage on Scalford Road, and through the Park to the Town Centre.</p> <p>However, this does not mean that such locations are inaccessible or more remote, but that access via the</p>

<p>whether such a connection will be achievable.</p>	<p>Country Park is a less convenient. There is direct access available at Ross Close nearby but use of that access would require exiting the development site and travelling through the adjacent residential area to the south (Carnegie Crescent/ Hunt Drive/Ross Close) which is some what indirect and convoluted.</p> <p>However, it is considered that despite the absence of this connection and the limitations it presents. The site remains adequately connected and located in sustainability terms. It is close to the town centre and other facilities and compares well to most other development sites with Melton Mowbray or elsewhere, most of which do not have the benefit of the proximity of the Country Park to potentially assist their connectivity.</p>
<p><b>Planning Policies and compliance with the NPPF</b></p> <p>The application is required to be considered against the Local Plan and other material considerations.</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</b></p> <p><b>Several appeal decisions have confirmed that the Local Plan’s Town Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.</b></p> <p>However this <u>on its own</u> is not considered to lead to a requirement to approve development where harm is identified, it needs to e considered alongside all other material considerations and balanced (‘weighed’) against those that are found to be harmful.</p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4<sup>th</sup> October 2017.</p> <p>The emerging Local Plan allocates the site for housing as part of the North ‘Sustainable Neighbourhood’ under Policy SS5 subject to a</p>	<p>The Local Plan is not yet adopted nor has it ‘passed’ Examination and as such its content can still only attract limited weight</p> <p>The proposal is broad, but not complete, accordance with the emerging local plan in terms of its location (see applicable policy opposite) and criteria which it</p>

<p>wide range of requirements including contribution to the Distributer Road, sustainable travel options, contributions to education facilities, protection of the Country Park, affordable housing at 15% etc, protection of wildlife and creation of wildlife corridors linking the Country Park to the countryside.</p>	<p>is considered adds limited weight in support of the proposal.</p>
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### **Conclusion**

The Borough is deficient in terms of housing delivery and this would be partly addressed by the application. Affordable housing provision remains one of the Council’s key priorities. This application presents some affordable housing that helps to meet identified local needs. It is proposed at a level lower (10%) than that required to meet identified needs and specified in emerging policy, however it is justified in terms of a detailed Viability exercise and expectations conveyed by NPPG. This is directly associated with the contributions the development proposes to make to infrastructure, and to the MMDR, public transport and education capacity in particular.

Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. The site is considered to be a sustainable location having access to employment, services, public transport etc in Melton Mowbray town centre and some closer. Its sustainability could be enhanced further if a connection is made into the Country Park and provision has been made to facilitate this within the proposed s106. However, even without this it is considered to perform well, and compares favourably to most other development (existing and proposed). It is considered that there are material considerations that weigh in favour of the application.

There are also benefits arising from the proposed highways improvements and, significantly, the substantial contribution towards the MMDR and progress towards this key infrastructure. There is a strong prospect – though not a guarantee – that the MMDR could be in place prior to the development being completed. The application derives support from the emerging Local Plan owing to its adherence to their content.

It is considered that balanced against the positive elements are the site specific concerns raised in representations. There is a lengthy range of issues that require careful attention and many can be mitigated, or eliminated altogether, by conditions and the content of the s106. For example flooding and drainage, various transport measures, residential amenity issues etc. Though capable of mitigation, it is considered that the impact on the Country Park remains a harmful consequence which needs to be weighed against the benefits. Also, though again mitigated to a satisfactory level, the impact on highways conditions until such time as the MMTS solution is effective (if applicable)..

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing and contribution to key infrastructure in particular.**

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

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

- (a) **The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
- **A strategic highways contribution of £8653 per dwelling - £1,730,600**
  - **Travel Packs at £52.85 per dwelling - £10,570**
  - **6 month bus passes, two per dwelling £360.00 per pass - £36,000**
  - **A Travel Plan monitoring fee of £6,000**
  - **A contribution of £6,000 towards the short term and long term traffic light (‘SCOOT validation’) for the Thorpe Rd / Saxby Rd, Norman Way / Scalford Rd and Norman Way / Wilton Rd strategic junctions in Melton Mowbray town centre - £6,000**
  - **A contribution of £750,500 for the provision of bus services calling at new bus stop(s) - £**

- **750,500**
- **Education (secondary): £597,064.08**
- **Civic Amenity: £16,532.00**
- **Libraries: £6,040**
- **Police: £67,534**
- **A scheme for the delivery of affordable housing specifying quantity, house type, tenureship and means and timing of delivery**
- **Provision to make a pedestrian access into the Country Park, subject to landowner agreement**

**(c) Conditions to include the following, as identified in the report above, the precise wording of which are delegated to the Head of Strategic Planning and Regulatory Services in consultation with the Ward Members:**

- Time limit (statutory)
- Submission of Reserve Matters
- Specification of reserved matters to include:
  - (i) A buffer zone incorporating substantial planting on the east boundary of the site adjoining the Country Park, with details (width) as specified by the Committee
  - (ii) A buffer zone and wildlife strip along the south boundary of the site sufficient to ensure adequate separation from the housing to the south and access to the ditch and hedgerow adjacent to this boundary
  - (iii) A masterplan ensuring that the development responds to the topography of the site and limits housing to no greater than 2 storey in the highest areas
  - (iv) Requirement that the layout and planting will contribute to a graduated approach to the density of the development on the most sensitive boundaries, as directed by the Committee
- Phasing of the development, including the provision of open spaces, buffer zones and wildlife strips, in relation to its build programme
- Materials of construction
- Provision of open spaces/play areas
- Retention of hedgerows
- Specification of Levels
- SUDs and drainage, as advised by the LLFA and Severn Trent
- Off -site highways works - footpath, traffic calming, visibility splays, a travel plan and road markings etc as advised by the Highway Authority (see pages 11 - 13 above)
- Gradients to roadways
- Construction traffic routeing
- Ecology (mitigation for nearby GCN population) as advised by Ecological advisors
- Archaeology investigation and recording as advised by archaeological advisors
- Contaminated Land investigations and remediation as advised by Environmental Health

**Officer to contact: Mr J Worley**

**Date: 23<sup>rd</sup> January 2018**