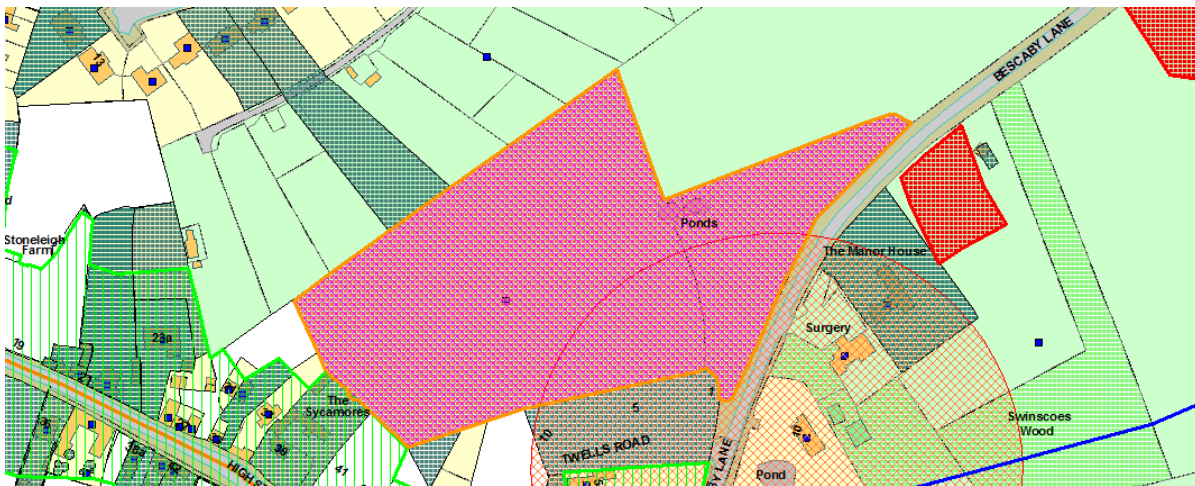


Reference: 17/01152/OUT
Date submitted: 07.09.2017
Applicant: Davidsons Developments Ltd And The Bicker Family
Location: Field OS 1100 Bescaby Lane Waltham On The Wolds
Proposal: Outline Planning Application for up to 45 No. Dwellings (Re-submission of application ref. 16/00793/OUT)



Proposal:-

This application seeks **outline planning permission for up to 45 dwellings**. The land is situated on the eastern edge of Waltham on the Wolds. Access to the site is proposed directly from Bescaby Lane to the north of the properties on Twells Road. The site is considered to be greenfield site with no presumption in favour of development

The application is in outline with access to also be considered,

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

- **Compliance or otherwise with the Waltham on the Wolds neighbourhood plan, The Melton Local Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Sustainable development**
- **Traffic and access issues**

The application is required to be presented to the Committee due to the level of public interest and amount of representation received. The application is identical in content to 16/00793/OUT referred to below.

History:-

16/00793/OUT - Outline Planning Application for up to 45 No. Dwellings **Refused**

Planning Policies:-

Waltham on the Wolds Neighbourhood Plan

Policy S1 - Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified in Figures 3 and 4 (overleaf) where they comply with the policies of this Neighbourhood Plan and subject to design and amenity considerations. Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. Exceptions will be development essential to the operational requirements of agriculture and forestry; small-scale development for employment, recreation and tourism; development of a site allocated by the Local Plan in accordance with Local Plan aspirations for that site, where reasonably required for the delivery of housing; and any infrastructure requirements in relation to the Melton Mowbray Eastern Distributor Road.

Policy H1: Housing Provision Housing development in the Parish other than on sites allocated in the Local Plan or benefitting from extant planning permission for housing development at the date of adoption of this Plan will be restricted to Windfall development in line with Policy H8 unless there is an increase in housing need across Melton Borough.

Policy H2: Housing Mix

New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in Waltham on the Wolds and Thorpe Arnold. Dwellings of 3 bedrooms or fewer and single-storey accommodation suitable for older people are supported

Policy H3: Affordable Housing Provision The provision of affordable homes for people with a local connection will be supported. Developments should be 'tenure blind', where affordable housing is indistinguishable from market dwellings and is spread throughout the development.

Community Action H4: Waltham Conservation Area The Parish Council will actively pursue, in partnership with the community, Melton Borough Council and other stakeholders, re-designation of the Conservation Area in Waltham on the Wolds in order to more effectively protect the architectural and historical features of the village's historic settlement core.

Policy H6: Housing Design Guidelines

Development proposals should demonstrate high quality design, form and layout consistent with the special character of the Parish, and which are in accordance with the design guidelines below:

- The siting and layout of any development should be sympathetic to the character of the area in relation to street layout, appearance (in terms of urban form, architecture and hard and soft landscaping).
- Development proposals will be required to protect the setting of historic assets.
- Care should be taken to ensure that development does not disrupt the historic look of the street scene.
- New developments should demonstrate consideration of height, scale and massing to ensure they are in keeping with the settlement pattern.
- Developments should incorporate, where possible, detailing of fenestration, chimneys, doors and roofline pitch in keeping with the local vernacular. Conducive construction materials should also be used.
- Adequate off road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more, in line with Highway Authority requirements. There should be adequate parking areas for residents and visitors within each development.
- Developments should be enhanced by landscaping and planting with existing trees and hedges preserved wherever possible.
- Where appropriate, plots should be enclosed using native hedging, local stone or brick walls of rural design and scale or timber fencing.

Policy H8: Windfall Development (including Tandem Development)

Small-scale development proposals for infill and redevelopment sites will be supported where:

- It is within the Limits to Developments of the villages of Waltham on the Wolds and Thorpe Arnold.
- It helps to meet the identified housing requirement for the Parish.

- It respects the shape and form of each village in order to maintain its distinctive character and enhance it where possible.
- It provides for a safe vehicular and pedestrian access to the site.
- It does not adversely impact on the character of the area, or the amenity of neighbours and the occupiers of the dwelling.

Melton Local Plan (saved policies):

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

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

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

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

Policy H11: planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the Councils standards at Appendix 6 of this Local Plan (on developments of 50 or more dwellings, every dwelling must be within a 5 minutes walk (240m straight line distance) of a LEAP (Local Equipped Area for Play).

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

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

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Conserving and enhancing the natural environment

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

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>Natural England: No comments to make on this application</p>	<p>Noted – being close to an SSSI it was important to check whether Natural England had any comments to make about this application.</p>
<p>Highways Authority - No objection, subject to conditions, rely on previous comments on application 16/00793/OUT The applicant has undertaken speed readings close to the site access, level with the doctor's surgery access and recorded 85%ile speeds of 35mph northbound and 36mph southbound.</p>	<p>Noted and conditions can be applied as per the comments made.</p>

The Applicant has provided site access drawing ref: P 15-506 with visibility splays of 100m to the north of the access and 36m to the south. The CHA is satisfied that visibility in excess of 51m can be achieved to the south of the site however, which would be acceptable for the speed of traffic using the road. The visibility splay to the south of the access passes in front of the give way lines for the Twells Road junction and would therefore not be temporarily restricted by the low volume of vehicles stopping on Twells road which may be giving way to oncoming traffic.

A Stage 1 Safety Audit has also been undertaken on the proposed site access drawing. This advised the following:

1. Provision of an uncontrolled crossing point over Bescaby Lane to the doctors surgery
2. Lowering of the dropped kerbs at the Twells Road junction so that the maximum upstand is 6mm
3. Removal of vegetation/ tree branches around the street lighting column closest to the proposed site to provide appropriate illumination
4. Cleaning and repairing the existing 30mph speed limit roundels and an improved gateway feature to reduce vehicle speeds

The CHA is happy for these issues to be taken on board as part of the detailed design, however as Bescaby Lane/ Mary Lane is a no-through route with a low number of vehicles travelling beyond the 30mph limit, the CHA could not justify conditioning a gateway feature to improve the conspicuity of the change in speed limit. Visibility splays are also acceptable for the measured 85th percentile speed of traffic approaching the access.

Off-Site Implications

While the proposed development is for 45 dwellings, the TA has assessed the impact on the highway for up to 50 dwellings.

The CHA has studied the submitted TRICS data and TEMPRO figures and consider these to be acceptable.

The committed development traffic generated by the 26 dwellings off High Street (application ref 14/00777/FUL) has also been considered.

The submitted traffic flow diagrams, which were based on existing turning proportions, appear to be inconsistent with the development trip generation figures stated within the TA, with the AM peak in particular showing higher development flows arriving/ departing from the site.

The applicant has also undertaken capacity assessments for the A607 Melton Road / High Street / Goadby Road and A607 Melton Road / High Street

Agreed that the points raised in the safety audit can be submitted and controlled at the detailed stage.

Based on Table PDP1 of the 6C's Design Guide, the applicants do not need to submit a detailed Transport Statement or Transport Assessment, as the development is for 45 dwellings. Therefore the County Highway Authority would not necessarily require a detailed assessment of the Bescaby Lane/ High Street junction to be submitted. In this instance the LCC highways authority are satisfied that a minimal amount of traffic currently uses Bescaby Lane, which is effectively a cul-de-sac, and that the addition of the development traffic would not cause congestion at its junction with High Street as there is capacity.

(one way link road) junctions. The higher development flows used within the traffic diagrams are also used within the capacity assessments, however as the results indicate that both junctions are expected to operate well within capacity at the future assessment year of 2021, even with additional development vehicles added to the assessment, improvements to the junctions could therefore not be justified by the CHA.

The 5 year accident history between January 2011 and December 2015 has been studied for the highway network within the village. In addition to these accidents, there have been two recorded slight accidents within the village during 2016. Both of these were 'slight' accidents, with one involving a vehicle turning right on to the A607 from Goadby Road and the other involving a collision with a cyclist on High Street. The CHA could not, however justify any highway improvements on the grounds of road safety with the addition of these two accidents.

The CHA is aware that vehicle speeds are in excess of the mandatory 20mph speed limit in force outside of the school and currently there is no school crossing patrol in operation. The CHA have been in discussion with the Transport Consultants who have advised the applicants would be willing to contribute towards a scheme to improve facilities in the area. We would be supportive of this as there would be an increase in vehicular and pedestrian traffic outside the school. The CHA has also been in discussion with the local community regarding transport issues outside the school over the last few years.

Internal Layout

It is noted the applicant intends for the internal road network to be adopted. The submitted masterplan has been stated as indicative and as the internal layout of the site is not to be determined as part of this application, the residential road layout and parking arrangements have not been checked in detail. The road layouts shown on the submitted Illustrative Masterplan would however not conform to an adoptable standard.

Transport Sustainability

Waltham on the Wolds is considered to be a sustainable location in transport terms and supports a village shop, school, church, village hall, doctor's surgery and pub.

Bus service 56, which is an infrequent service running Monday – Saturday between Melton Grantham, runs along High Street past the junction of Bescaby Lane and is hail-and-ride. As part of development ref: 14/00777/FUL, the applicants are required to provide two new bus stops, including timetable cases, poles and flags in the vicinity of the site along High Street. Due to the service

<p>traditionally being hail-and ride and the proposed development being approximately 400m from the approved development, no further bus stop improvements are required.</p> <p>The no. 8 service, which is an hourly service between Loughborough and Grantham, is located on the A607 Melton Road, which is approximately 800m from the proposed development.</p>	
<p>Leicestershire County Council Ecology Further information required on various elements including:</p> <ul style="list-style-type: none"> • Clarification on the botanical survey and a species list for the whole site. • An outline GCN mitigation plan should be submitted. This should also include mitigation for reptiles. • Plans should be amended to retain Ash tree T4. • Layout to be amended to provide a buffer from hedgerows. 	<p>Noted and will be included in any subsequent Reserved Matters Application.</p> <p>An amended GCN was submitted and contained details of how to ensure that they were protected. Further consultation will be received at reserved matters to ensure this will be achieved through the construction. Further information has been submitted by the Applicant with respect of the botanical survey, an outline GCN Mitigation Plan has been submitted and the Ash tree will be retained. A Layout to provide a buffer from hedgerow will also be submitted at Reserved Matters Stage'</p>
<p>Lead Leicestershire Flood Authority Initially objected but through extensive work with the consultants have produced sufficient evidence to remove the objection and can now advise that the proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority conditions are attached to any permission granted:</p> <ul style="list-style-type: none"> • <i>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.</i> • <i>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.</i> • <i>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.</i> • <i>As part of the first reserved matter application a report detailing the findings of the infiltration testing carried out in accordance with BRE 365 soakaway design shall be submitted to, and approved in writing by, the Local Planning Authority.</i> 	<p>Noted and conditions can be applied</p>

<p>Leicestershire County Council Archaeology Refer to previous comments and repeat advice for conditions as per below:-</p> <p>No objection subject to conditions Trial Trenching was carried on the site and found light spread of activity was confined to the south-western corner of the development area. Because of this and likely other findings conditions are recommended:</p> <p><i>No demolition/development shall commence until a programme of archaeological mitigation work (archaeological excavation) has been detailed within a Written Scheme of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI shall include a statement of significance and research objectives, and:</i></p> <ul style="list-style-type: none"> -- <i>The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;</i> -- <i>A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);</i> -- <i>The programme for public outreach and dissemination;</i> -- <i>The programme for post-investigation assessment and subsequent analysis;</i> -- <i>Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and</i> -- <i>Nomination of competent person(s) or organisation(s) to undertake the agreed work.</i> <p><i>For land and structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.</i></p> <p><i>The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.</i></p>	<p>Noted and conditions can be applied</p>
<p>Western Power Distribution Budget costs in Waltham have been provided and the number to date will be catered by reinforcing the electricity network locally in Melton and Waltham.</p> <p>Western Power have a statutory duty under our operating licence to provide adequate connections for existing and future customers. The only potential downside would be if a new development required major reinforcement to the network then they would</p>	<p>Noted</p>

be expected to fund it.	
<p>MBC Conservation</p> <p>Conservation does not identify significant concerns relating to impact on any designated or non-designated heritage assets in this location of Waltham on the Wolds, notwithstanding the overall impact on the character of the Conservation Area. It is noted that the proposed site is screened from the Conservation Area by modern C20 dwellings along Twells Road and properties on the northern side of High Street. There are important views out from The Manor House, although this is not a listed building, nor is not located in the Conservation Area, and the impact is mitigated by the green infrastructure that is included to the front of the proposed site. Furthermore an attempt is made within the layout to retain views towards The Manor House within the application site, as well as distant views towards the Church Spire.</p> <p>With regards to the impact on the setting of the Conservation Area, Conservation considers the scheme to be over-intensification of development within close proximity to a Conservation Area; noted for its minimal backland development and traditional layout. There is no precedent in this area to replicate the mistakes of late C20 incongruous housing schemes which amount to harm to the setting of the CA in accordance with Paragraph 135 of the NPPF. The proposed scheme is a standard housing development of cul-de-sac avenues with detached garages that are wholly incongruous with the character of the Conservation Area.</p> <p>As such Conservation identifies less than substantial harm to the character of the Conservation Area, in accordance with Paragraph 134 of the NPPF. If there are no identified public benefits to outweigh this harm, a recommendation is made to scale down the development to a more suitable level of units, which will afford an improved level of green infrastructure and a more considered layout which promotes better circulation of space and a closer integration with the wider village and Conservation Area.</p> <p>The scheme does not integrate into the village and essentially forms an enclosure of space that is commensurate with suburban development on the fringes of a town centre. If the layout could be scaled down and amended to allow better continuity between the built form and the boundary of the Conservation Area, then Conservation would consider the scheme to be more viable.</p>	<p>Noted.</p> <p>The lack of concern relating to impact on any designated or non-designated heritage assets is noted.</p> <p>It is highlighted that the specific detail of the scheme in terms of layout and appearance will be controlled through a reserved matters application.</p>
<p>MBC Building Control</p> <p>Outline Permission at present and we would prefer finalised layout plans before giving comment.</p>	Noted
<p>Parish Council:</p> <p>Object on the following grounds:-</p> <ol style="list-style-type: none"> 1. The site has not been allocated for new housing development within the draft Melton plan or the 	<ol style="list-style-type: none"> 1. The site is not allocated in the new Local Plan which cannot be afforded full weight as it is not

<p>emerging neighbourhood plan and is outside of the village envelope.</p> <p>2. If approved, this proposal would exceed the requirement of the draft Local Plan by 25 dwellings; therefore we see no need for a further development of this size.</p> <p>3. The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village.</p> <p>4. The density of the development would not be in keeping with the form or character of the village.</p> <p>5. The harm would significantly and demonstrably outweigh the benefits of the development.</p> <p>6. The site is a 'Saxon Field' with land use and boundaries that have been unchanged for at least two centuries and would destroy well preserved 'ridge & furrow'. The 'desk based' archaeological survey indicates the potential for archaeological remains from the Roman period and unknown potential for pre-historic and Anglo Saxon remains. The Senior Planning Archaeologist from LCC commented in her response dated 11th January; 'Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.'</p> <p>7. The site is in close proximity to a site of special scientific interest – the old quarry with an abundance of wildlife.</p> <p>8. Although reference has been made within application documents to ecological surveys there are no surveys for Crested Newts, Roosting Bats and reptiles. There is no Phase1 Ecological survey with the application.</p> <p>9. The un-disturbed site provides a safe refuge for significant numbers of birds including kestrel, yellow hammer, linnets, chaff and owls. This development would potentially destroy a long established habitat. The Wildlife Trust has not been consulted in respect of this application.</p> <p>It should be noted that the traffic survey equipment placed in connection with this application was sited in a position to only record traffic going to the hamlet of Bescaby. The location of this equipment</p>	<p>yet adopted (this is addressed in greater detail below).</p> <p>2. As above, as the local plan is not fully adopted and therefore we need to consider the NPPF, particularly paragraph 49 in which makes clear that Housing applications should be considered in the context of the presumption in favour of sustainable development which it is the view that this application represents.</p> <p>3. The scheme albeit protruding from a main road of the village still fits in comfortably between existing properties, particularly to the west and the houses on Windsor Road.</p> <p>4. Density and layout issues are not known at this stage owing to 'outline' nature of this application.</p> <p>5. Noted – balancing harm and benefit is the correct basis to assess applications under para 14 of the NPPF</p> <p>6. The results of this are still to be concluded and any permission should be subject to such time that archaeological considerations have been fully addressed and the results assessed as acceptable</p> <p>7. Natural England have confirmed that this SSSI is far enough away not to have any significant impact on the scheme.</p> <p>8. Ecology reports were submitted and relevant conditions can be imposed to make sure that this element of the proposal is acceptable.</p> <p>9. These species do not benefit from protection under the legislation except in terms of the nesting habitat in the appropriate season</p> <p>The full speed survey results as discussed above where carried out properly and showed accurate results according to the LCC highways department.</p>
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<p>means it would not record traffic to Waltham surgery or Twells Road and is therefore inaccurate. Attached are evidential photos.</p> <p>The Waltham and Thorpe Arnold Parish Council request that the application is rejected for the planning reasons stated above.</p>	
<p>Melton Borough Council Building Control: In respect of the proposed site layout, there does appear issues with travel distances to the refuge appliance but, satisfactory for fire access.</p>	<p>Noted.</p> <p>The application is in outline with layout reserved for later approval. These issues would be assessed upon consideration of the layout.</p>
<p>Developer Contributions: s106</p> <p>Highways To comply with Government guidance in NPPF the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:</p> <ul style="list-style-type: none"> • 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). • 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass). • Details of the routeing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. • Pedestrian crossing over the A607 as an additional benefit to the scheme a figure of £30,000 has been proposed by LCC Highways and this has been agreed by the Applicant. <p>Waste - 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 £3720 (to the nearest pound).</p> <p>Education - The LEA have advised that the primary school is capable of expansion to accommodate the additional demand created by the development but the works</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>It is considered that the contributions requested are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purposes of highway safety and providing the additional capacity at the relevant school and similarly waste facilities.</p> <p>The education contributions are acceptable under the above Regulations and follow a similar approach to that taken by other development</p>

<p>involved, and there exact cost, would be dependent upon the total number of houses approved.</p> <p>Similarly, whilst capacity exists in the secondary sector at present for 58 houses, this would not cater for all developments and contributions would be required if this figure was exceeded.</p> <p>Permission should be granted subject to s106 securing the total of the ‘phase 2’ works to the school (£781,000), a new Hall and half classroom, but provision can also be made for the cost of extension to be shared with other developments should they also go ahead.</p> <p>NHS Contributions The above development is proposing 45 dwellings which, based on the average of 2.4 people per dwelling for the Melton Borough Council area, would result in an increase in patient population of 108.</p> <p>Calculations have been done to show the likely impact of this new population in terms of number of additional consultation time required by clinicians.</p> <p>Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.</p> <p>As such, although The Welby Practice (which has a branch surgery at Waltham on the Wolds) is the most likely to be affected by the new development, The Stackyard Surgery may also be affected.</p> <p>This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands. £19,980.00.</p>	<p>approved in Waltham.</p> <p>Noted</p> <p>These contributions are is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the education infrastructure which would arise due to this proposed development. and are acceptable within CIL Regulation 122 terms as related to planning, proportionate and reasonable in scale</p>
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Representations:

Site notices were posted, an article was put in the Melton Times and neighbouring properties consulted. As a result **31 letters of objection have been received from 26 separate households;** the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the Area The amount of planning applications that are currently being applied for, the village is likely to double in size over the next ten years.</p> <p>Overdevelopment of the village, leading to a loss of character</p> <p>Concerned that shielding of new development from existing gardens is not planned and would destroy character</p>	<p>An illustrative masterplan has been developed by the agent following consideration of the constraints and opportunities identified in the accompanying technical reports.</p> <p>The indicative masterplan makes provision for adequate parking and public open space in accordance with the Council’s standards to achieve a well-designed development meeting the needs of future occupiers. It also shows adequate scope to relate satisfactorily to exiting houses, in terms of distance separation etc.</p>

<p>Increase the light pollution within a conservation area and would be detrimental to the overall look of the village</p> <p>In the wrong location / wrong side of the village</p>	<p>Waltham as a whole displays housing of varying character including more modern layouts in parts. This site is some distance and separated from the historic core and Conservation Area and would also be viewed and experienced separately from its surroundings so as to avoid creating a stark contrast, or visually conflict; a clear appreciation of its character would only be obtained if entering the development itself. Issues of the cumulative scale of development and location of the site in relation to the village are addressed in greater detail below.</p> <p>Many of the issues outlined in terms of the character impacts could be addressed in a further reserved matters scheme.</p>
<p>Impact upon Highway Safety: Frequent near-accidents when traffic comes up the High Street observed.</p> <p>Foresee many problems on this junction when many more cars will be turning right from Bescaby to join an already badly contested High Street at peak times.</p> <p>Foresee additional congestion problems along High Street and Bescaby Lane, especially at the junction.</p> <p>Access onto Bescaby lane will add significantly to the traffic flow on this single track road</p> <p>The road junction with High Street and Melton Road and Goadby Road could see an increase in accidents. The road is also used as a diversion if the nearby A1 is closed.</p> <p>New development would add additional pressure to Melton Road, Goadby Road and High Street Crossroads as well as High Street and Melton Road.</p> <p>Access to the site is unsafe</p> <p>False traffic reading was used by the development during traffic assessment – used figures from de-restricted speed zone rather than 30 mph zone.</p> <p>Foresee issues with access for emergency vehicles due to existing parking along the road</p> <p>Survey Results The strip that measures traffic is actually past the surgery with none before it. This therefore makes for an inaccurate reading of the use of the Lane and only records vehicles using the Lane to the hamlet of Bescaby. This is important because it will reduce the actual vehicle use numbers going</p>	<p>The applicant has supported the application with robust surveys and supporting information that the Leicestershire County Council Highways department have confirmed are acceptable.</p> <p>The Highways Authority have no overarching objection to this development in terms of access and visibility (see page 3 and 4 above) They have requested contributions for improvements locally and to create sustainable development. They do have concerns regarding the layout but at reserved matters stage this can be made satisfactory.</p> <p>Conditions imposed will provide a scheme that will not result in an unacceptable impact on highway safety.</p> <p>See below on comments on the survey</p> <p>The submitted Transport Assessment states that an Automatic Traffic Counter (ATC) was in operation at the location of the proposed site access between 19-25th January 2016. Either way, appropriate visibility splays can be achieved from the site access for the recorded</p>

<p>in and out onto the High Street thus giving a false reading.</p>	<p>speeds of traffic, and due to the location of the site access it is highly unlikely drivers would speed up further as the junction of Bescaby Lane/ High Street which is only around 140m away from the site access.</p> <p>The applicants also undertook manual counts at the junctions along Bescaby Lane during the peak hours, and the overall existing level of traffic is shown to be low. As well as the doctors surgery, there are approximately 17 properties accessed off Bescaby Lane, the peak hour trip generation from these combined would be lower than what would be generated by the 50 dwellings assessed as part of the proposed development. Overall the Highways Authority is therefore satisfied that the junction would be able to cope with the additional development traffic.</p>
<p>Impact upon wildlife Concern over existing wildlife including nesting birds Potential imbalance to the natural fauna and flora in the area</p> <p>Impact on nearby SSSI site</p> <p>Impact of the development on existing trees</p>	<p>The Council's Ecological advisor did have initial concerns and additional survey work is being carried out. Any permission should be 'subject to' the satisfactory results of this work.</p> <p>Natural England were consulted on this application and had no concern regarding the SSSI.</p> <p>A landscaping plan can be required by condition to protect trees of importance</p>
<p>Housing numbers</p> <p>The site has not been allocated for housing in the Melton Borough Draft Local Plan or the Parish Plan</p> <p>No requirement of more housing in Waltham.</p> <p>No local need for affordable housing</p>	<p>This is correct and has formed part of the reason to refuse this application (see further details below)</p> <p>This would be now considered correct owing to the approved allocations for the housing allocation within the area.</p> <p>The evidence on affordable housing need has shown that affordable housing is needed in all developments this application should help to provide this.</p>
<p>Heritage Concerns The site has historical merit going back to Saxon times.</p>	<p>Archaeological trenching has now been undertaken and it was negative other than a very few medieval features in the westernmost trench. The geophysical anomalies were modern services or geological in origin.</p> <p>The LCC Archaeology team have requested that if planning permission is granted, conditions on further work will be required.</p>
<p>Impact on village amenities Foresee issues with existing drainage and sewage system.</p> <p>Facilities in the village may not be able to support additional residents.</p> <p>Poor local bus service</p>	<p>Significant work has been done on drainage on the original scheme and it has been concluded the STW will be upgrading this network over a period of time. They have a statutory duty to ensure that water supply is maintained.</p> <p>There is a bus service that serves the village and</p>

Lack of local employment	<p>more residents will assist in maintaining its viability.</p> <p>Waltham has limited employment opportunities including post office, public house, garage and deli.</p>
<p>Flooding There are flooding issues with this site.</p>	<p>Conditions can be imposed to minimise the impact of flooding and the area in question is not within a recognised flood zone by the Lead Flood Authority or Environment Agency.</p>

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Neighbourhood Plan</p> <p>Concern that development should not go ahead until the Neighbourhood Plan is complete.</p> <p>The Waltham Neighbourhood Plan was subject to a Referendum on 12th April which was successful. The site lies outside the Village Envelope identified by the Neighbourhood Plan and is therefore contrary to Policy S1 which states that:</p> <p><i>“Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified in Figures 3 and 4 (overleaf) where they comply with the policies of this Neighbourhood Plan and subject to design and amenity considerations. Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies”.</i> (Exceptions are also listed which are not applicable to this proposal).</p> <p>Policy H1 states: <i>Having regard to the number of dwellings already constructed plus existing sites with planning permission and allowing for allocated draft Local Plan sites within the Limits to Development, the Parish has exceeded its housing requirement over the Plan period. Therefore, until such a time as there is an increase in housing need across Melton Borough or unless there is a failure to deliver the existing commitments, further housing development in the Parish will be restricted to Windfall development in line with Policy H8.</i></p> <p>The site has been identified as being of Environmental Significance and is the subject of Policy ENV4 which states: <i>23 sites in the Parish (see map on Figure 10 and environment inventory in Appendix E) have been identified as being of local significance for wildlife (biodiversity) and/or history. They are</i></p>	<p>The neighbourhood plan for Waltham on the Wolds has been examined and was subject to a referendum on Thursday 12th April 2018.</p> <p>This referendum was successful in the majority of those that voting agreeing the plan should be made as part of the development plan for Melton alongside the local plan.</p> <p>The neighbourhood plan is now considered to have full weight by acquiring ‘Development Plan Status’ under s3 of the Neighbourhood Planning Act 2017.</p> <p>Decisions therefore <u>must</u> follow the terms of the Plan unless there are material considerations to indicate otherwise.</p>

<p><i>important in their own right and are locally valued. The protection and enhancement of the identified significant features will be supported</i></p> <p>It also contains some important trees and hedgerows identified in the NP which are addressed by Policy ENV6 as follows: <i>Development proposals that will affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted.</i></p> <p><i>Proposals for new-build housing should be designed to retain such trees and hedges wherever possible. Where destruction cannot be avoided developers will be required to plant replacement trees (on a two-for-one basis) and/or hedges, either on the site or elsewhere in the parish.</i></p> <p><i>Hedgerows are to be retained and protected. Where minor loss is unavoidable, it must be minimised and loss mitigated with replacement planting of locally appropriate native species providing a net gain in length and quality.</i></p> <p>Policy ENV11: Ridge and Furrow Fields is also applicable:</p> <p><i>The areas of well-preserved ridge and furrow earthworks (see Figure 14) are non-designated heritage assets, and any harm arising from a development proposal, or a change of land use requiring planning approval, will need to be balanced against their significance as heritage assets.</i></p> <p>Finally, the proposal is contrary to Policy ENV12: Protection of Important Views, in which views in to Waltham Southwest from Bescaby Lane: a good view of the village with the characteristic Church steeple across pasture with fine ridge and furrow earthworks have been specifically identified.</p> <p><i>The Policy requires that “Development proposals should respect the open views and vistas”</i></p>	
<p>Application of Planning Policy</p> <p>The NPPF advises that 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.</p> <p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for</p>	<p>Waltham has an up to date Development Plan (see above) in respect of which the application is contrary. The application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>Waltham is considered to perform well in sustainability terms owing to its community facilities and transport links.</p>

<p>local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p>	<p>5 year land supply issues: The Council's most recent analysis shows that there is the provision if a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan, whose policies retain full weight.</p>
<p>The (new) Melton Local Plan – Pre submission version. The new local plan has now completed examination where modifications are currently being made to be put forward to the examiner.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Local Plan identifies Waltham as a 'service centre' in respect of which, under Policy SS3, development of up to 10 dwellings would be acceptable, subject to satisfying a range of criteria specified.</p>	<p>The Local Plan has progressed rapidly since the first application on this site was determined. The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>We therefore need to consider the application in accordance with paragraph 216 of the NPPF which states due weight should be given to relevant policies in emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).</p> <p>The site is not identified for housing purposes in the Emerging Local Plan.</p> <p>The conflict with the Local Plan is a factor that is considered weighs against the granting of permission.</p>

Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The development conflicts with the Development Plan for the area (the Waltham and Thorpe Arnold Neighbourhood Plan) and as such permission should be granted unless there are material considerations to indicate otherwise.

The Borough is considered to have a good supply of housing, in surplus of the requirement of having five years of deliverable housing sites including several in Waltham on the Wolds where this application is for.

Despite Waltham being considered to be a sustainable location for housing with access to various facilities, primary education, local shops, and a regular bus services and limited distances to employment opportunities and this has been established in previous decisions, this site is not part of any allocation for the purposes of the Neighbourhood Plan nor emerging Local Plan. This development would therefore not be in accordance with

the development plan and there are considered to be no other material considerations sufficient to outweigh this.

In conclusion it is considered that, on the balance of the issues, there benefits of providing additional housing in a sustainable location with contributions for various services do not constitute considerations that indicate a departure from the development plan (the Waltham Neighbourhood Plan) or the emerging Melton local plan.

Recommendation: REFUSE because of the following:-

1. The development proposed by virtue of its siting outside of the limits to development for Waltham on the Wolds and not part of allocated sites, it is therefore in contrary to policy H1 of the Waltham on the Wolds neighbourhood plan. There are no other material considerations that have been deemed to override this neighbourhood plan policy conflict
2. The development proposed by virtue of its lack of inclusion as an allocated site for development in the emerging local plan for Melton 2011-2036 is contrary to SS2 and SS3 of the emerging local plan 2011-2036. There are no other material considerations that have been deemed to override this development plan policy conflict.

Officer to contact: **Mr Glen Baker-Adams**

Date: 13th April 2018