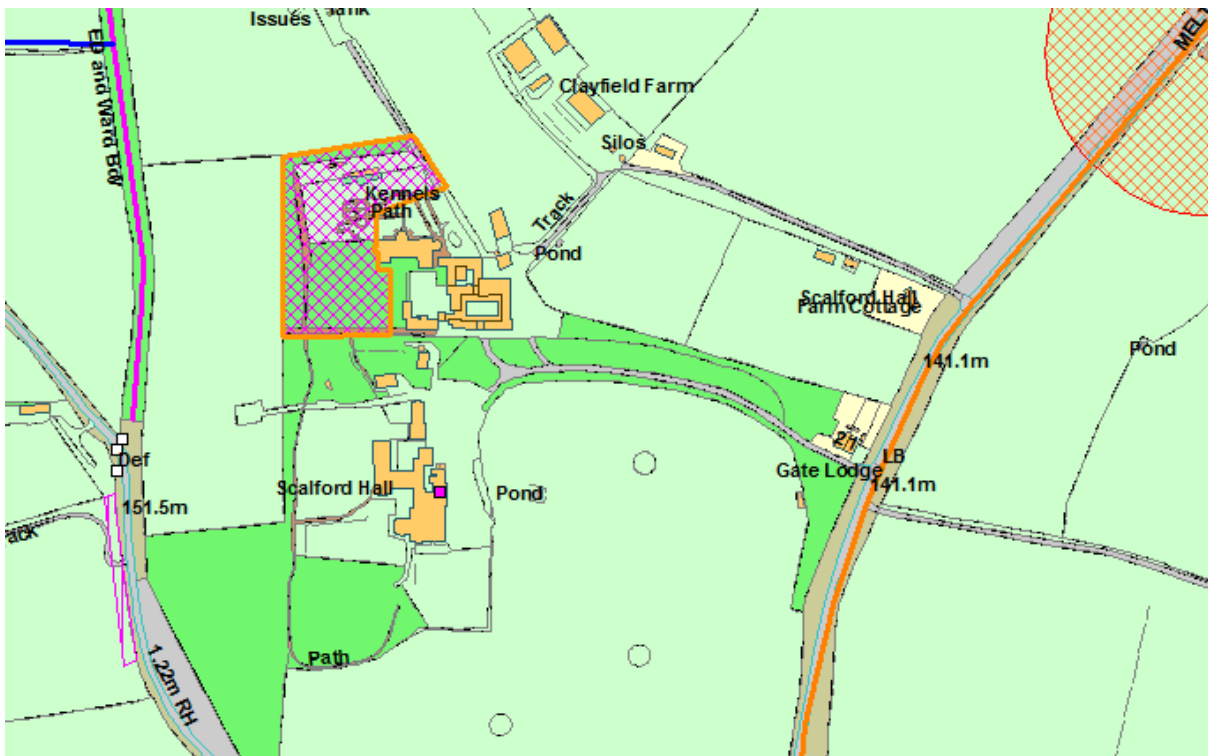


Reference: 17/01570/FUL
Date Submitted: 13th December 2017
Applicant: Scalford Court Care Home
Location: Scalford Court Nursing Home, Melton Road, Scalford
Proposal: Erection of a single storey 36 Bed Care Facility and 5 Extra Care Cottages.



Introduction:-

The proposal seeks full planning permission to erect a single storey 36 bed care facility and five extra care bungalows on the site of the existing Scalford Court Care Home, off Melton Road. The site is in open countryside and located adjacent to Scalford Hall. There is a blanket TPO which covers the application site.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Loss of protected trees**
- **Impact upon highway safety**
- **Flood risk issues**
- **Sustainability**

The application is presented to the Planning Committee as the development would represent a departure to Local and National Planning Policy.

Relevant History:-

14/00236/FUL - Extension and alterations to create 2 bedrooms within existing care home. – Application Permitted

07/01033/FUL - Creation of 19 additional bedrooms and ancillary accommodation linked to the existing care home. – Application Refused and later allowed at appeal. The application was originally refused due to the intensification of an existing use on a site which is located in open countryside resulting in increased vehicle movements to and from a site which lies in an unsustainable location and the impact the development would have on the open countryside.

At appeal, the Inspector considered that the development would result in some additional traffic movements, however this would not increase by a materially significant level, sustainability considerations must be viewed differently for institutional residential uses compared to housing developments. The Inspector took into account the existing use of the site, its specialist nature and need for this type of accommodation in the Borough. Additionally it was considered that the building would not be highly visible from nearby public vantage points and given the topography, wooded appearance of the site and extensive screen planting, was satisfied that the development would not adversely affect the character and appearance of the surrounding countryside. The Inspector was satisfied that sufficient root protection areas could be provided and concluded that although there would be an immediate detrimental effect on the visual amenity of the area due to the loss of the trees, this would be tempered by the retention of other more important trees, and planting of new trees.

05/00307/FUL - Creation of 13 additional bedrooms and ancillary accommodation linked to the existing residential Care Home. – Application Refused. This application was refused permission due to the impact the development would have in the open countryside and the intensification of an existing use in open countryside, resulting in increased vehicle movements in an unsustainable location.

00/00875/FUL - Proposed residential annex extension to existing Nursing Home – Application Permitted.

Planning Policies:-

Melton Local Plan (1999)

Policy OS2 - planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- a) development essential to the operational requirements of agriculture and forestry;
- b) limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- c) development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- d) change of use of rural buildings;
- e) affordable housing in accordance with policy h8

where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

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 C15 – This policy 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 and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy C16 - planning permission will not be granted for development which would result in:-

b) the loss of trees or other woodlands covered by a tree preservation order unless there is no other site suitable for the development and any trees felled are replaced at an alternative site of equal value.

National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. In doing so, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Plan and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Other relevant policies in the NPPF relevant to this application include:

Delivering a sufficient supply of homes

- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Building a strong, competitive economy

- Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- Planning policies and decisions should enable:
 - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

Promoting healthy and safe communities

- To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Promoting sustainable transport

- The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Within this context, applications for development should:
 - a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

Achieving well-designed places

- The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Meeting the challenge of climate change, flooding and coastal change

- The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
 - a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Conserving and enhancing the natural environment

- Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- When determining planning applications, local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
- The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>LCC Highways</p> <p>Site Access</p> <p>The LHA understands that there are no proposals to alter the existing site access which is accessed via a private drive also serving Scalford Hall. There has been one personal injury collision at the junction of this private drive and Melton Road over the last five years, whilst regrettable, this does not give rise to safety concerns in connection with the site access.</p> <p>Internal Layout</p> <p>The LHA understands that there are currently 48 parking spaces serving a total of 59 rooms. The Applicant has submitted evidence outlining that the maximum number of spaces that were occupied at any one time over the period surveyed was 17.</p> <p>The proposed development is for a 36 bed care facility and 5 extra care cottages which would see the creation of an additional 48 spaces, 7 of which to be designated as disabled persons parking facilities.</p> <p>Based on the evidence provided and the operational nature of the development i.e., residential homes for the elderly with communal facilities, the level of car ownership amongst residents is likely to be negligible and employees will be working on a 24/7 shift basis. Therefore the LHA is satisfied that the proposed level</p>	<p>Noted comments received.</p> <p>It is considered that due to the type of development, that there would not be a significant increase in vehicular movements to and from the site.</p>

<p>of parking provision is likely to be in excess of demand.</p> <p>Transport Sustainability</p> <p>The site is served by a two-hourly bus service to Melton Mowbray which operates from a stop approximately 280 metres from the site. In addition to this, the LHA also notes the comments in the Design and Access Statement regarding the Applicants minibus which will be used to make trips between the Care Home and Melton Mowbray, thus encouraging sustainable modes of travel.</p> <p>Conditions</p> <ol style="list-style-type: none"> 1. Parking and turning facilities have been implemented prior to occupation and onsite parking provision to be maintained in perpetuity. 2. Submission of drainage details and implementation prior to occupation. 3. No development to commence until details of a traffic management plan have been submitted and approved. 	<p>Whilst the proposed development is not in the most sustainable of locations, consideration has to be given to the type of development and likely need for residents to travel, and the previous appeal decision, where the Inspector took into account the use of the site.</p>
<p>LCC Ecology</p> <p>The Ecological Scoping Survey (Hillier Ecology, April 2016) identified that there were no habitats on site that would meet Local Wildlife Site criteria. However, the tree survey (Brian Higginson, May 2016) provides information which identifies Ash tree T24 as being of Local Wildlife Site quality. Consideration must be given to the retention of this tree.</p> <p>The survey also identified that 2 badger setts were present and the more detailed badger survey (Hillier Ecology, November 2017) identified that an outlier sett was recorded to the south of the development area. This appeared to be disused at the time of the survey. However, the sett to the north of the area was recorded as an active main sett. We welcome the retention and buffering of this sett within the design of the development. However, I am unsure what the area of land surrounding the badger sett will be used for. The 'Proposed Site Overview Visual' suggests that it will be fenced off from the development. Is this correct? The same visual suggests that there will be a substantial amount of tree removal (compared to aerial photographs). It is important that if the badgers are retained in situ that there is sufficient suitable habitat for them. Can this please be confirmed prior to the determination of the application.</p> <p>The removal of trees and vegetation is likely to impact nesting birds. We would recommend that as much vegetation as possible is retained, particularly on the western boundary of the site where it should not impact the proposed development. Any vegetation removal should be completed outside of the bird-</p>	<p>Following discussions with the County Ecologist, it is considered that the development as proposed is acceptable, provided that the details in the mitigation plan are followed.</p> <p>There is an area to the North of the site which it is proposed that fencing will be erected to provide sufficient land around the badger set. LCC Ecology are satisfied with this proposal.</p>

<p>breeding season to ensure that no nesting birds are present. Additional bird nesting opportunities should be built into the design of the development.</p>	
<p>LCC Arboricultural Officer</p> <p>The site is subject to protection under a tree preservation order (TPO) - Land surrounding Scalford Hall, Scalford (151/919/4). Obviously the status of a TPO is considered as part of the planning process, however; it may be considered reasonable, practical and expedient for Melton Borough Council to review the current TPO. The TPO was created in 1994 and covers all trees in A1 (see 151/919/4); numerous trees are to be removed as part of the proposed development; there is potential that some of the existing trees may not have been present, or may have been too insignificant for consideration, at the time the TPO was created.</p> <p>The Arboricultural Impact Assessment submitted in support of the application appears to be a fair and reasonable assessment of the trees and development. It would be appropriate for both developer and planner to consider the information contained in the report as pertinent and practical. I would draw particular attention to the following:</p> <ul style="list-style-type: none"> - Protective fencing shall be erected prior to any site work commencing (section 3); - The need for appropriate location of site office and material storage (section 4 & 5); - Ensuring that protective fencing stays intact and unmoved throughout the development (section 6); - Soil levels are not changed near to trees and service runs avoid root protection areas (sections 8 & 9); - The need for adaptive design, ground protection and no dig technology when working in the root protection area (section 10). <p>Failure to afford the trees adequate protection can result in irrevocable damage being caused to trunk, branch, nutrient rich soils and the tree's delicate root system. Excessive damage can cause trees to become unstable and/or decline in health, which may then require that they be removed:</p> <p>I would strongly advise that section 11 of the arboricultural report be adhered to; namely that a project arboriculturalist be appointed. The arboriculturalist would monitor the trees and protective fencing throughout the development process; they would report back to both developer and Melton Borough Council (MBC) on any events; they are also available for further advice and guidance on all matters contained in the arboricultural report. It would be pursuant for MBC to consider formal conditions to ensure that the protective fencing is installed and maintained, to ensure a project arboriculturalist is appointed and utilised, and to ensure that retained trees remain free of damage or</p>	<p>The proposed development would result in the loss of the following trees:</p> <ul style="list-style-type: none"> • No category A trees • Five category B trees • Six category C trees • Three category U trees. <p>In addition to this, the development would fall within the root protection areas of three category C trees.</p> <p>Relevant conditions to protect retained trees can be included.</p>

<p>interference.</p> <p>With respect to the proposed development: It would appear that every attempt has been made to create a design which allows for a harmonious transition between the trees in their current context, through to their inclusion within the proposed development.</p> <p>A proportion of trees recorded within categories A & B of BS 5837 have been retained.</p> <p>The removal of a few category B trees will be required to facilitate development. This would include T24 which is an over mature ash of reasonable health and structure. The decision to remove a mature specimen tree should not be taken flippantly, consideration on how to incorporate the tree into the design may be deemed reasonable.</p> <p>Whilst they are fine specimens the removal of other category B trees (e.g. T11, T22, T23 and T25) is unlikely to have an overly detrimental impact on amenity or bio-diversity values. They are clearly visible to staff and residents but not the wider public. A number of replacement trees have been included in the development proposal. Further scrutiny of tree planting will be required following submission of landscaping plans and specifications.</p> <p>Consideration of foundation type, depth and method of installation should be given, where construction is near to existing or proposed trees, i.e. to mitigate for potential vegetation related subsidence. Further details on constructing foundations near to existing trees can be found in NHBC chapter 4.2.</p>	
<p>LCC Developer Contributions</p> <p>The County Council has not identified that the development will increased demand on their service infrastructure and make no request for contributions to education, civic amenity or libraries infrastructure.</p>	<p>Noted.</p>
<p>LCC Archaeology</p> <p>The deskbased assessment indicates that there is a low potential for archaeological remains dating from the prehistoric, Roman, early medieval, medieval, and post-medieval periods. For this reason we have no objections to the planning application.</p>	<p>Noted.</p>
<p>LLFA</p> <p>Additional information has ben provided by the applicant, including details that identify that the discharge rate on site has been limited to the equivalent 1 in 100 year return period greenfield rate (10.4l/s). In addition to the surface water on site is discharging to a ditch east of the site as identified within the application plans.</p> <p>As previously noted, discharges rates should be</p>	<p>Noted comments received. The application site is in flood zone 1 and is at low risk of flooding.</p> <p>The LLFA had previously requested that further infiltration testing be carried out prior to determination, however it was agreed with the LLFA and Agent that it would be acceptable to condition the submission of these details prior to the commencement of development.</p>

<p>restricted to QBAR. However, we would allow the greenfield 1 in 100 year discharge rate where any <i>additional volume</i> of run-off is restricted to 2 l/s/ha (or 5 l/s, whichever is the highest) in line with Environment Agency/DEFRA Guidance SC030219 "Rainfall Runoff Management for Developments".</p> <p>The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following information is submitted by way of conditions.</p> <p>Details of:</p> <ul style="list-style-type: none"> • Surface and water drainage scheme • Management plan • Long term maintenance plan • Infiltration testing 	<p>Conditions and notes to applicant as requested can be included in the decision.</p>
<p>Environment Agency</p> <p>The information submitted now enables us to withdraw our objection but we wish to make the following comments.</p> <p>From a water quality perspective, the secondary treatment plant must be sized correctly. We are unable to find any flow calculations for the new plant on the drainage strategy report, and we have a concern that the only dilution in the ditch is from the original Sewage Treatment Plant upstream of the new discharge. We assume this is taken into consideration. We are unsure that other than the sewage effluent discharge, that the ditch has a constant flow of water.</p>	<p>Noted. Both the LLFA and STW have been consulted on the application, with their responses contained in this report.</p> <p>During the determination of the application, a drainage strategy report has been submitted, which has also included details of a new sewage treatment plant.</p>
<p>MBC Environmental Health Officer</p> <p>The proposed development is to be located adjacent Scafford Hall, an existing hotel and functions venue. Scafford Hall is a known source of noise and disturbance in the local area. Whilst the Hall is / or will be subject to a premises licence entailing some noise controls, it is likely that residents of this development will (as those of the existing nursing home do), experience some noise and disturbance from vehicles, patrons and amplified music / speech associated with the Hall. This may occur on a semi-regular basis up to at least midnight.</p> <p>There is no reference to noise in the application .. Looking at the site plan the mainstay of living accommodation is to face the Hall. There are not any enhanced acoustic protective measures incorporated into the design.</p> <p>By way of an informative, the applicant is advised to look again at the public health implications of this development. The applicant may wish to revise its site layout or incorporate additional acoustic measures into its scheme.</p> <p>As the development is to incorporate construction / demolition work, the following condition should be added to any permission in the interests of residential</p>	<p>The Agent has been informed of the comments received from Environmental Health and have confirmed that they intend to include acoustic measures in the development. The Agent has confirmed that they would be happy with the inclusion of a pre-commencement condition for the submission of details of the acoustic protective measures prior to the commencement of the development.</p> <p>The condition regarding construction hours can be</p>

<p>amenity.</p> <p>In order to minimise noise disturbance to the occupiers of adjacent residential property, construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.</p> <p>07:00 – 19:00 Monday to Friday 08:00 – 13:00 Saturdays No works to be undertaken on Sundays or bank holidays</p>	<p>included in the decision.</p>
<p>Severn Trent Water</p> <p>No objection – inclusion of condition requested –</p> <p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p>	<p>Noted.</p> <p>Requested conditions can be included in the decision for the application.</p>
<p>Scalford Parish Council</p> <p>The Parish Council has no objections to this application in principal however it does have concerns over the amount of car parking to be provided with this application which does not appear to be sufficient.</p> <p>Also to the best of the Councils knowledge there is no mains drainage or sewerage on this site and there have been incidents in the past where problems have occurred with the existing sewerage system.</p> <p>The Parish Council therefore request that this aspect of the application is looked into by planners to ensure that this is taken care of should the application be approved.</p>	<p>Noted.</p> <p>LCC Highways have been consulted on the application and have raised no objection subject to the submission of further details by way of condition which include drainage and a traffic management plan.</p>

Representations:-

One representation has been received in support of the application and one representation has been received objecting to the application.

Representation	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Objection</p> <ul style="list-style-type: none"> • Area of mature woodland surrounding development rich in wildlife and although note the developers aim to minimise distance of this area, still concerned. • Proposed buildings will extend right up to this wooded area and anticipate with time trees will be seen as a danger to the building and occupants, 	<p>Leicestershire County Council Ecology have been consulted on the application and raise no objection, subject to works being carried out in accordance with the submitted badger mitigation strategy and the plans submitted for the application.</p>

<p>requiring them to be felled.</p> <ul style="list-style-type: none"> • There is a varied and interesting mix of wildlife (several different species identified). A single environmental survey is unlikely to have observed most of these creatures. At a time when most of our wildlife is under serious threat, I believe it is crucially important that wild and semi-wild like this are preserved. • Scale of development is a concern. Local environs is rural in nature and large scale building, particularly with housing, is likely to set a negative precedent, urbanising the countryside. • Transport links to the site are poor, only a 2-hourly bus service so visitors and staff will most likely travel by car. Shift workers, particularly outside daylight hours are likely to cause disruption to wildlife and encounters and possible collisions with wildlife crossing the shared driveway more likely. • Understand the need for increasing age-related care and wish the care home success, but feel that a smaller scale, less expansive development would be more appropriate. 	<p>LCC Arboricultural Officer has also provided comments in relation to the application which has also considered the proximity of the development to mature trees. (see above).</p> <p>Following the development a significant number of trees will be retained on site. These trees will help to provide some natural screening to the development from outside the site.</p> <p>LCC Highways have been consulted on the application and raise no objection to the proposed development. Whilst the development is not in the most sustainable of locations, the Inspector at the previous appeal has taken into account the use of the site and likely number of journeys to be made to and from the site.</p> <p>The application is to enlarge the existing development on site.</p> <p>The HEDNA 2016 report states that over the 2011-36 period that there may be a need for 36 specialist units of accommodation for older people (generally considered to be sheltered or extra-care housing) per Annum in Melton Borough. This figure represents about 15% of all housing provision proposed in the emerging Local Plan.</p> <p>Additionally, the analysis highlights a potential need for an additional 13 registered care bedspaces per annum for older people (aged 75 and over) in the 2011-36 period.</p>
<p>Support</p> <ul style="list-style-type: none"> • Support for his application. The layout and the fact it's all one storey, will look good amongst the trees. <p>Two concerns:</p> <ul style="list-style-type: none"> • Accept the development will result in some traffic and most of this will be during shift changes. Would like the planners to consider adding a planning condition whereby the shift changes occur outside of heavily trafficked times, which seem to be the school run times, not work-day times. Traffic is worst at school times and is mainly generated from the schools. • Drainage. There is not a Drainage Strategy in place as yet and would expect one in due course that fully incorporates SUDs within this scheme. There is plenty of green space to locate source control measures. 	<p>As previously stated, LCC Highways have been consulted on the application.</p> <p>It would not be possible to add a condition to restrict the times in which shift changes at the care home can be carried out. A condition restricting shift times would not be in accordance with paragraph 55 of the NPPF which states that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." It is not considered that a condition restricting shift changes would be appropriate.</p> <p>The LLFA have been consulted on the application and raise no objection to the proposed development (see comments above).</p>

Other Material Considerations Not Raised By Representations:-

Other Material Consideration	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Application of planning policy</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>The application is required to be considered against the Development Plan and other material considerations.</p> <p>Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. . Due weight should be given to them, 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 1999 is considerably out of date in terms of its compatibility with the NPPF. The NPPF is therefore considered to form the policy basis for decision making in this instance.</p> <p>Whilst the proposed development does not accord with the saved policies of the Local Plan due to its location, it is considered that the development does accord with the NPPF and there are other material considerations to take into account that support the proposal.</p>
<p>Emerging Local Plan</p> <p>The new local plan has now completed Examination and the Inspector has recently suggested proposed Modifications which are currently out for public consultation.</p> <p>Paragraph 47 of the NPPF states that:</p> <p>Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing</p> <p>It is stated in paragraph 48 that:</p> <p>Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) 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 c) the degree of consistency of the relevant policies in the emerging plan to 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 has progressed through examination stage and the Main Modifications are currently out for consultation.</p> <p>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>

Policy SS1 –Presumption in favour of Sustainable Development: when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or

Specific policies in that framework indicate that development should be restricted.

Policy C2 – Housing Mix

We will seek to manage the delivery of a mix of house types and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 9 or in any future update of the housing mix evidence.

Residential proposals for developments for 10 or more dwellings **should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough including extra care** and accessible housing, having regard to the latest evidence of housing need. Residential developments which include bungalows will be particularly supported.

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

Policy EC2 – Employment Growth in the Rural Area (Outside Melton Mowbray)

In order to support the rural economy, the Council will allow for:

The proposed development would be located on a site where there is an existing use of the same class. This development would allow for the existing business to grow and also provide a type of specialist accommodation which has been identified as in need, providing accommodation for an ageing population and those who require additional care.

The development would provide 36 additional bedrooms as part of the larger care home development and 5 “extra care” cottages, where residents will still receive care but also have a bit of independence. It is possible that this will allow for couples to live together.

The development will help to allow the existing business to develop on an existing site. The application form submitted indicates that the development will generate three part time jobs and 36 full time jobs.

- A) new employment land to be provided in rural settlements; and/or;
- B) rural employment proposals which create or safeguard jobs.

The following types of rural employment development are acceptable:

1. The re-use of existing farm buildings and well-designed new buildings for employment;
2. Schemes for farm diversification involving small-scale business and commercial development that help to support the viability and retention of the farm holding;
3. Small-scale tourism proposals, including visitor accommodation, such as glamping, camping and bed & breakfast;
4. The expansion of existing rural businesses, dependent upon the nature of the activities involved, the character of the site and its accessibility;
5. Small scale employment development to meet local needs; and
6. The use of land for agriculture, forestry and equestrian activity.

Subject to the proposal:

7. Being of an appropriate scale for its location;
8. Having sufficient accessible off road car parking provided on site or in the nearby vicinity to cater for the use proposed.

Policy EN1 – Landscape

The character of Melton Borough’s landscape and countryside will be conserved and, where possible, enhanced by:

I. Ensuring new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and

II. Requiring new developments to respect existing landscape character and features. Proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including:

1. Distinctive topography;
2. Important trees, hedges and other vegetation features;
3. Important ponds, watercourses & other water areas;
4. Important views, approaches and settings.

In addition, new developments will be supported where they:

5. Do not have an unacceptable adverse effect upon an area’s sense of place and local distinctiveness; and
6. Do not have an unacceptable adverse effect upon areas of tranquillity, including those benefiting from dark skies, unless proposals can demonstrate how it is intended to contribute towards minimizing light Pollution.

Due to the nature of the site and natural screening round the proposed development, it is not considered that the proposed development would have a significantly detrimental visual impact.

Whilst the lost of some trees is regrettable, it is acknowledged that these have been kept to a minimum and the benefits of providing this type of accommodation and allowing an existing business to grow need to be taken into account.

Policy EN2 – Biodiversity and Geodiversity

The Borough Council will seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It will protect and enhance biodiversity, ecological networks and geological conservation interests throughout the Borough and beyond its boundaries, by supporting proposals which:

A) protect, extend or strengthen the Borough’s most ecologically sensitive areas, including the River Wreake Valley;

B) contribute to the provision of coherent wildlife networks;

C) create new habitat;

F) promote the use of fencing which incorporates holes for wildlife.

I) Local Wildlife Sites (including candidate and potential), Local Geological Sites, including ancient woodlands, ancient and veteran trees, hedgerows and existing corridors such as disused railways, that allow movement of wildlife between sites;

Provided they do not harm: Proposals for allocated sites should be informed by the site survey results and the recommendations for mitigation and enhancement in the Biodiversity and Geo-diversity Study.

The Borough Council will support the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreement.

Policy EN12 – Sustainable Drainage Systems

For major developments, proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding allowing for climate change effects.

Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands near watercourses and the introduction of blue green corridors. For SuDS techniques which are designed to encourage infiltration, a site-specific infiltration test will be required to ensure that the water table is low enough

For sites which lie within or close to groundwater protection zones or aquifers, guidance should be sought from the Lead Local Flood Authority.

Where SuDS are not technically feasible, the applicant is required to provide evidence that a connection to a public surface water sewer is necessary.

All developments will be expected to be designed to

Conditions have been requested to ensure that appropriate drainage is provided as part of the development. The site is not within flood zone 2 or 3.

achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using 'green roofs'. All developments on greenfield sites will be expected to achieve greenfield run-off rates. All developments will be required to manage surface water through keeping to a minimum the creation of non-permeable areas.

Policy D1 – Raising the Standard of Design

All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

It is considered that the proposed design of the development is acceptable. All development proposed is single storey, with the main building having a maximum height of 5.736m and the proposed bungalows a maximum height of 6.05m. It is proposed that the development will be constructed with brickwork and render.

Conclusion:-

It is considered that on balance, although the proposed development would not accord with the Saved Local Plan, the proposal would provide a type of accommodation which has been identified as in need in the Borough. Whilst the proposed development would result in a loss of a number of protected trees, it is considered that a sufficient number of trees will be retained on the site following the development. The trees proposed to be retained will provide natural screening to the development and therefore is not considered to have a detrimental impact on the appearance of the open countryside. Whilst the application site is not located within a village and there will be some reliance on the car to access the site, the existing use of the site and previous appeal decision need to be taken into account.

It is considered that the proposed development is compliant with the emerging Local Plan and the policies contained within the NPPF and there are no material considerations which would justify the refusal of the application.

Recommendation:- Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with drawings numbered: 4002/JL/16/113 Rev P1, 4002/JL/16/114 Rev P1 and 17.1307.002, received by the Local Planning Authority on 13th December 2017 and 4002/JL/16/100 Rev P3, 4002/JL/16/101 Rev P3, 4002/JL/16/110 Rev P4, 4002/JL/16/112 Rev P2, 4002/JL/17/120 Rev P5 and 4002/JL/17/121 Rev P5, received by the Local Planning Authority on 9th January 2018.
 3. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 4. 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.
 5. 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.
 6. 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.
 7. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.
 8. Prior to the commencement of development, details shall be submitted of acoustic measures to be incorporated of the development and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 9. Construction work, demolition work and deliveries associated with the construction work for the development shall only take place between the following hours:
07:00 - 19:00 Monday to Friday
08:00 - 13:00 Saturdays
No works to be undertaken on Sundays or bank holidays
- Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.
10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 4002/JL/16/100 Rev P3
Thereafter the onsite parking provision shall be so maintained in perpetuity.
 11. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
 12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority.

The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

13. The development hereby permitted shall be carried out in accordance with the mitigation details as proposed in the Badger Survey (November 2017).
14. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the trees, or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.
15. The cottages hereby permitted shall be occupied by residents of the care home (and their dependants) and shall not be severed from the care home and occupied as separate, market dwelling houses.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
5. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.
6. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.
7. To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.
8. In the interests of the amenity of the future occupants of the development hereby permitted.
9. In the interests of residential amenity.
10. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework 2018.
11. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with National Planning Policy Framework 2018.
12. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
13. In the interests of the protected species.
14. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
15. The Council would not normally be inclined to allow the formation of a separate residential units given the particular site characteristics