Planning Committee

25th July 2019

Report of:	Assistant Director of Strategic Planning and Reg. Services

19/00217/FUL : Land west of Bowling Green, Leicester Road, Melton Mowbray

Proposed 14 residential dwellings comprising 10 x 2 bed units and 4 x 3 bed units with 2 car parking spaces per dwelling and suitable servicing from the new built cul-de-sac on Bowling Green and a private drive access off Bowling Green

1. Summary:

The application site is a parcel of land, cleared and available for development, sited between the termination of the residential cul de sac at Hedgehog Close, and Bowling Green, a service road providing access to the Melton Bowls club and the car park to Melton Baptist Church.

Hedgehog Close takes access from the A607 Leicester Road, and the application site is sited to the west of the bowling green, forming part of Melton Bowls club. The site was included in the overall development of a much larger land parcel, the subject of planning permission 16/00290/FUL, granted planning permission in 2017 for a mixed use development comprising 97 dwellings, employment land (B1a) (office units), and associated infrastructure. While the residential development component of this permission has been undertaken by Westleigh Homes, the employment development has not proceeded.

The current application site relates to that land the subject of the part of permission which was for B1a development.

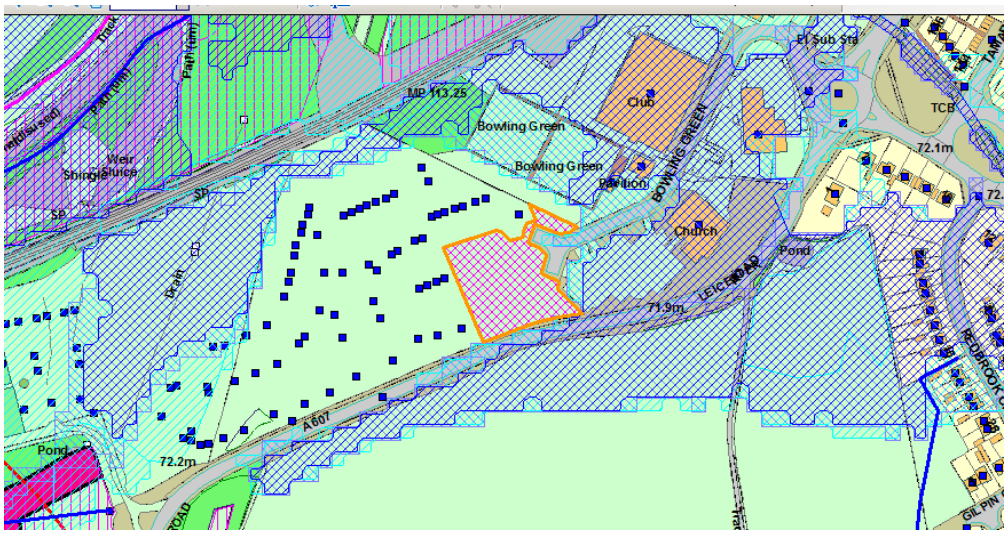
The proposal seeks full planning permission for the erection of 14 dwelling houses. This total number will be made up of five pairs of semi-detached two storey houses, and four linked 3 bed two storey houses. Revised plans have been received amending the layout to address issues raised through the consultation process.

In support of the proposal, a Housing Statement confirms that the applicants are proposing the site as a housing scheme focused on meeting a mix of house types which address local owner occupation and affordable housing priorities. The housing mix will provide 14 new affordable homes with a mix of shared ownership and affordable rented units. A Housing Statement confirms that **all the rented affordable homes will be let to local people in housing need** identified through a nominations and lettings process agreed with MBC Housing Dept.(this is currently through the Leicestershire Choice Based Lettings scheme). **There are to be 8no Shared Ownership units (4no 3 bed units and 4no 2 bed**

units), and 6no Rented units all of which are 2 bed units.

The rented properties will be let on an assured tenancy which is not time limited. The Statement concludes that the development is a fully affordable scheme and proposed scheme has the support of their Registered Provider partner and MBC Housing Dept, and that MBC informed the overall mix, types and tenure mix of the affordable dwellings.

The application itself is also supported by separate individual reports dealing with Drainage Strategy, Transport, Archaeological Evaluation and Noise Assessment. The applicant has also submitted a draft Deed of Variation, to vary a previously signed S106 agreement, by deleting reference to office units. This previous agreement referred to the provision of such commercial units as part of the development granted planning permission in 2017. If Members wish to grant permission to the current application, which is proposing an alternative to new office units at this location, it would be a necessary and inevitable consequence that the proposed Deed of Variation is agreed to.



2: Recommendations:

<u>Subject to an independent viability review of the scope available for developer contributions, permit subject to:-</u>

(i) Completion a S.106 agreement making for:

- A contribution to education capacity of £50,000
- An agreement to the applicants proposed Deed of Variation to a previously signed S.106 agreement deleting reference to office unit

(ii) Acceptance of this 'discounted' level of contribution from Leicestershire

County Council

(iii) Conditions as set out in Appendix C

(iv) Confirmation of acceptance from Leicestershire County Council in their role as LLFA, or from Severn Trent Water and application of any conditions recommended.

3: Reasons for Recommendation:

While the site already has the benefit of a full planning permission for commercial office development, evidence has been submitted that indicates that this employment use in unlikely to be implemented. The proposal seeks an alternative future for this site in the form of an 100% affordable scheme with 14 affordable homes, made up of 10 2 bed dwellings (4 of which are shared ownership), and 4 3 bed dwellings (4 of which are shared ownership).

The proposal would secure a high standard of design and ensure satisfactory amenity for future and existing occupiers. Other than in the matter of Policy IN3 of the Melton Local Plan concerning developer contributions, the proposal is considered to comply with the Local Plan policies referred to above and principles of the NPPF, and would need to be the subject of a specifically worded s.106 agreement.

While noting the applicants initially submitted Financial Viability Assessment (FVA), prepared in response to a significant level of developer contributions requested, and the subsequent offer of a sum of £50,000 for such contributions, it is considered that the FVA and the offer made, should be subject to a review independent of the applicant and agreement with the County Council , prior to the Borough Council making a final determination on the application.

4: Key factors:

Reason for Committee Determination

The application is presented to Committee for Members to consider whether a departure from the Development Plan given a shortfall in the amount of developer contributions on offer, would justify a refusal of planning permission.

This is a planning proposal that would otherwise represent a welcome example of sustainable development, responding to housing need by providing affordable housing in line with the wider aims of the Melton Local Plan.

On the balance of the issues it is considered that the value of the delivery of affordable housing on the type and nature needed in Melton Mowbray is

sufficient to outweigh the shortfall in developer contributions.

However the County Council (who overwhelmingly dominate the contributions requests) have not yet expressed their final position and as s such any decision should be 'subject to' their final position (in the event they consider the shortfall is not justified, the matter will be reported back to the Committee for further consideration).

Development Plan/Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **The site is shown in the Melton Local Plan with no designation or allocation;**
- **The site lies within Melton Mowbray and comp0lies with the development strategy set out in Policy SS2;**

- **No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.**

Please see Appendix D for a list of all applicable policies

Main Issues

The main issues for this application are considered to be:

- Position under the Development Plan policies, including the reconciliation of securing the benefit of securing affordable housing at the site without being able to secure the full developer contributions for education, highways, libraries and the NHS, to resource the increased pressures and requirements, generated by the proposed development.
- Relevant recent history of site
- Principle of development
- Impact upon the character of the area
- Impact upon neighbouring units
- Highway Safety

5: Report Detail:

5.1 Position under the Development Plan policies
Policy SS1: Presumption in favour of Sustainable Development, states that 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, and to secure development that improves the economic, social and environmental conditions in the area.

The site is not shown with any identified designation or allocation in the Melton Local Plan, but the planning history of the site forms an important background to a full consideration of this planning proposal

The site lies within Melton Mowbray and complies with the development strategy set out in Policy SS2.

The employment land that the houses would replace is not protected under Policy EC3 as a key element of employment land supply that should be prevented from alternative use or redevelopment.

5.2 Relevant planning history
The current application site formed part of a much larger site which benefitted from a full planning permission for 97 residential dwellings and 4 office units under reference 16/00290/FUL in 2017. The 4 office units approved were sited on that land that now forms the current application site, and the 14 houses proposed are to be constructed in place of those office units. Subsequent to that decision there were a number of approved discharge and variation of condition applications.

The 4 office unit component of the previous planning permission has not been implemented, and in support of the current application, the applicant has submitted a 6 page Marketing and Demand for Office Space Report prepared by Mather Jamie Chartered Surveyors. This sets out the detail of the marketing exercise which has been carried out over the period of 2016 to 2018, for the site to used as a B1(a) commercial use. This report concludes that a build-out of the consented scheme for B1 offices is an unlikely deliverable event for the following reasons:-

- The office development is totally incompatible with current and likely future market demand for office space in Melton Borough Council

- The development is proven to be unviable in economic terms and would result in a capital loss to a developer

- The competing PERA site at Nottingham Road is likely to absorb any current and future demand for office space in Melton Borough Council

- PERAs refurbished second-hand space and range of well=managed Landlords services are being offered on competitive and flexible terms such that it will be impossible for a developer led scheme intent on new build construction to be either competitive or successful

- Office space in small lot sizes is generally available in and around Melton to satisfy the current level of demand

In terms of the position of the current application under the Development Plan polices, it is considered that the scheme is subject to a number of applicable development plan policies as set out in Appendix D of this report. The degree of compliance and/or departure from these policies is assessed in the commentary below. Save in respect of one particular policy, Policy IN3 concerning Infrastructure contributions, the proposal is considered to comply with the other applicable development plan policies.

Policy IN3: Infrastructure Contributions and Community Infrastructure Levy states that development that provides additional dwellings will be expected to help deliver sustainable communities by making developer contributions to local infrastructure in proportion to the scale of its impacts.

Following the submission of the application, the applicant had initially received a request from the Leicestershire County Council for contributions for education, library and NHS to be secured under a Section 106 agreement, for a total of £ £106,609 (a figure subsequently increased).

Given the applicants concerns about the impact that this level of developer contribution (or any other additional cost) may have on the viability of the scheme, a Financial Viability Assessment (FVA) has been submitted. The analysis of this FVA undertaken by an experienced viability surveyor, concludes that the application scheme is not capable of supporting any planning contributions. Subsequently, the applicant, Countryside Properties (UK) Ltd, have indicated that they are able to provide a financial contribution of £50,000 to be secured via a s106 agreement, for whichever contribution(s) the Local Authority and/or County Council find more suitable. This amount has been agreed within Countryside as a gesture of goodwill to continue the relationship between the applicant and both the Borough and County Councils that was well established between Westleigh Partnerships Ltd, which Countryside acquired in April 2018.

The Development Director of Countryside Properties (UK) Ltd has stated the following as to how this figure has been achieved:

"The Viability report shows that the site has a 5% contingency which equates to £70,608.00, we are able to reduce this down to 3% (£42,364.80) which provides a sum of money of £28,243.20. as this is minimal in relation to the contributions requested, we have reviewed and increased this figure to £50,000 by utilising monies from our potential profit margin which is currently shown in the viability report at 6% (£126,138). By providing the further £21,756.80 from our profit margin, this shows the scheme producing a 4.97% profit (£104,381.20) which is below the typical industry standard for an affordable scheme.

We hope this will provide both councils and members with comfort that Countryside properties do want to work with all parties to provide housing and services where possible and go above and beyond what is expected of developers as we have previously done within the existing development off Leicester Road of which the scheme is a continuation of."

Full compliance with the requirements of Policy IN3 would mean that the proposed development should be accompanied by a developer contributions of £190,675.62. However, the applicants have put forward an offer of £50,000 following their submission of a Viability Assessment. This shortfall is significant and requires a judgement as to what benefits the proposal is promoting, in particular new affordable housing, as against the level of developer contributions that should be secured, given that new development places increased pressure on the delivery of local services.

On the balance of the issues it is considered that the value of the delivery of affordable housing on the type and nature needed in Melton Mowbray is sufficient to outweigh the shortfall in developer contributions. In addition, the affordable units will be directly linked to existing Melton residents through the Councils' choice-based lettings scheme. This is considered to mitigate the impact, to an extent, as it is likely that at least some of the future occupants will already be resident in Melton making use of the facilities for which the contributions are sought.

Given this significant shortfall, and prior to any decision being taken on the planning application, an independent Viability Assessment is being undertaken, separate to the applicant, and the further views of the County Council sought. **It is considered that permission should be granted only if the independent assessment endorses the applicant's VA, and the County Council (who would be required to bear the shortfall in contributions) do not object. In other circumstances the application will be reported back to the Committee.**

5.2 Principle of Development

The recent history of the site with its extant planning permission for office units is evidence that there that are no environmental or physical constraints that would, in principle, preclude development in this location. While the site was previously envisaged to be developed for a commercial office use, the length of time that has elapsed, and the Conclusions of the Marketing Report, are important considerations.

Government guidance in the form of the NPPF advice that planning policies and decisions need to reflect changes in the demand for land, and that they should be informed by regular reviews of both the land allocated for development in plans, and of land availability. The guidance also recommends that Local Planning Authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose, where this would help to meet identified development needs.

The site is currently part vacant and part used for the storage of building materials, and is now situated immediately adjoining a recently built residential estate, and located on the Melton town side of that estate. The site therefore occupies a sustainable location for new dwellings, and its release for the provision of new affordable housing, is considered justified in line with the NPPF, and of benefit in meeting housing needs in the locality. The beneficial residential use of such a vacant site in a sustainable location is therefore considered to constitute sustainable development, and therefore is of merit. The development of affordable housing in this location accords with Policy SS2-Development Strategy of the Melton Local Plan, through providing such housing within the urban area of Melton Mowbray,

which is the priority location for growth.

The developers have set out the following programme for delivery of the proposals:

- Planning application – 15/02/2019

- Planning permission – Estimated late May 2019

- Start on site – Estimated August 2019

- Practical completion – Estimated August 2020

The earlyy delivery envisaged is considered to be a positive aspect of the scheme particularly in the context of affordable housing where supply has not kept pace with demand or the anticipated delivery trajectory set out in the Local Plan.

While noting concerns expressed by some local residents about expectations of a play area to be provided by the developers, to serve the wider area of new housing in this locality, the current application is proposing a substitution of previously approved commercial development, for a modest affordable housing scheme. It does not delete leisure facilities previously proposed.

In these circumstances, the principle of development is acceptable.

5.3 Impact upon the character of the area
The proposed layout is in effect, largely continues the mixed treatment of the residential development undertaken by Westleigh Partnerships under the planning permission granted in 2017, and now fronting Otter Road and Hedgehog Close. The proposed layout shows two separate means of vehicular access to the proposed 14 dwellings-one is via the existing Hedgehog Close highway that will serve 6 homes (plots 98-103), and the other is shown by the Bowling Green road which will serve 8 homes (plots 104-111). In terms of the latter arrangement, the southern part of the existing turning head at the termination point of Bowling Green road will be extended with a private driveway giving vehicular access to plots 107 to 111. While the originally submitted application showed a pedestrian link between the northern part of the existing turning head at the termination point of Bowling Green road, and Hedgehog Close, the amended plan submitted to address highways concerns, showed a minor revision to the routing of this footpath link, giving it more separation from the proposed siting of plots 103 and 104.

The proposal is showing 7 pairs of two storey, semi-detached houses, with a design, use of materials and layout that is in scale with, and sympathetic to the character of the area, and additional landscaping measures proposed. Given that the scheme will not enable a vehicular link between Bowling Green road and Hedgehog Close to be created, the latter will essentially remain as a cul de sac, although there will be a small increase in vehicles being served. This is represented by the six extra dwellings proposed for plots 98 to 103, which is not considered a significant number.

It is considered the proposal would achieve a high standard of design and layout, in compliance with Policy D1 of the Melton Local Plan

5.4 Impact upon residential amenities
The layout has been assessed to ensure that the residential amenity of neighbours

and neighbouring properties will not be comprised. By virtue of the form, design, siting and layout of the proposed development, there should be no adverse impact upon the neighbouring properties in terms of unacceptable loss of light, privacy or outlook. The scheme shows conventional frontage treatment of the new housing in line with the existing housing adjacent, and no excessive density, preventing adequate separation for existing dwellings, is proposed. The distances between the new houses and those existing are typical of the wider estate, i.e separated by the width of side driveways and parking provision. The importance of ensuring that there is no vehicular link between Hedgehog Close and Bowling Green road has already been referred to, and this is similarly important in terms of protecting residential amenity. Overall, it is considered scheme would minimise the impact on existing neighbouring properties, and not give grounds for a refusal of permission in relation to these aspects.

It is considered the amenity of neighbours and neighbouring properties would not be compromised, in accordance with the requirements of Policy D1 of the Melton Local Plan

5.5.Highway Safety

The Transport Assessment Statement submitted with the application concludes that the introduction of 14 dwellings would generate less traffic than an office development of 1,100 sq metres, and that there are no sustainable highway reasons why planning permission should be withheld for a residential development in this location.

The initial concerns of the Highway Authority have been addressed with the submission of the amended plan. While noting the concerns expressed over highways matters arising from public consultation on the proposal, the Highways Authority is not raising objection to the grant of a conditional planning permission, including the requirement that Bowling Green is subject to a Traffic Regulation Order to ensure the prevention of this roadway being blocked and obstructed by on street parking, which is an issue that has been referred to in public consultation on the application.

The amended layout submitted by the applicant takes into account the concerns of the Highways Authority, by providing a footpath link to Bowling Green to provide pedestrian connectivity, and a 2m wide footpath outside plots 98-103.

With the imposition of conditions on any permission including those recommended by the Highways Authority, it is considered that the proposal will not detract from highway safety. In these circumstances, the scheme complies with Policy D1 and Policy IN2 of the Melton Local Plan in relation to highways, accessibility and parking matters

5.6 Affordable Housing/Housing Mix

The proposal comprises the erection of 14 dwellings comprising 10 x 2 bed units and 4 x 3 units all of which are affordable homes which will help contribute to meeting affordable housing need in the Borough. The applicant states that the scheme will provide 2 to 3 bed starter properties aimed at local people which responds to an identified need within the Borough with a focus on first time buyers and smaller

families. The Housing Policy Officer of the Borough Council has recognised the benefits of the scheme in addressing housing need, and has raised no objections.

It is considered the proposals represent an acceptable housing mix in terms of size, type and tenure and results in a satisfactory affordable housing provision, and the proposal therefore accords with Policy C2 and C4 of the Melton Local Plan

5.7 Flood Risk/Drainage
The proposal has been subject to consultation with the LLFA and Severn Trent Water whose views are awaited. Appropriate conditions can be imposed upon any grant of planning permission in accordance with their requirements

It is considered that there are unlikely to be any grounds to raise objection on these aspects

Consultation & Feedback

A site notice was posted and occupiers of neighbouring properties were consulted on the original plan, as well as the amended plan. As a result of the original consultation, 9 letters of objection were received. Further to the consultation on the amended plan, a representation was received requesting confirmation as to the intended access arrangements.

Financial Implications:

A S.106 agreement has been requested making contributions as set out in the report above for:

- NHS contribution; £3073.72
- Education contribution; £173,911.00
- Libraries contribution; £ 420.00
- Highways contribution: £13,270.90

Background Papers:

- Planning Application File 16/00290/FUL Planning permission granted in 2017 for a mixed use development on land of which the current application formed a part, for 97 dwellings, employment land (B1a) and associated infrastructure

Appendices:

A; Consultation responses
B: Representations received
C: Recommended conditions
D: Applicable Development Plan Policies

Report Timeline:

Assistant Director Approval	2019

Report Author: Mr Stephen King, Planning Officer, Development Management

✆: 01664 502364

Appendix A : Consultation replies

Environment Agency

Following the submission of the original application and the amended plan, the EA have stated that they will not be making any formal comments on the submission, noting that the development falls within flood zone 1.

Leicestershire County Council as Lead Local Flood Authority (LLFA)

The views of the LLFA are awaited

Severn Trent Water

The views of STW are awaited and will be reported verbally to the Committee.

LCC Archaeology

The site has been subject to archaeological trial trenching and we have confirmed previously that no further archaeological works are required east of the railway line an area in which the site is located.

LCC in relation to Developer Contributions

Education (in Summary)

LCC have requested an education contribution based on 14 new dwellings at this site, which when built will generate increased demands on this service. Since this contribution is based on an evidenced financial figure of £12,422.26 per dwelling, the total contribution requested is £173,911.(This is an updated figure as in April 2019, the sum requested was £103,116.64 for Education Developer Contribution)

Civic Amenity

£0 contribution

Libraries

£420 contribution requested

Highways Contributions

The County Highway Authority have stated that:

To comply with Government guidance in the 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:-

a) 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); and

b) 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)

In addition to the above, an additional £7,500 contribution is required towards the consultation process for a Traffic Regulation Order for waiting restrictions to be implemented to ensure that Bowling Green, including its turning head, remains available for use and free from obstructions.

Comment from MBC Assistant Director for Planning & Regulatory Services

In the light of the above stated requirements of the LHA, the total sum for highways contributions would calculated by a multiplication of the number of dwellings (ie 14) by £52.85, and by £360, giving a combined figure of £ 5779.90 plus the additional £7,500 thereby arriving at a total amount of £13,279.90.

East Leicestershire and Rutland Clinical Commissioning Group

The ELRCCG is responsible for primary medical care for primary medical care for the population residing within the development under its delegated responsibility under co-commissioning. As part of this responsibility the Group financially support estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively, the group will continue to request section 106 contributions, and in relation to the current application, this is set out below

NHS facilities

The development is proposing up to 14 dwellings which when based on the average occupancy of a practice dwelling of 2.42 persons, would result in an increased patient population of approx. 33.88 patients. An increase in the practice list will create additional pressure on clinicians and admin teams. A contribution of £3,073.72 is requested for the expansion and improvement of facilities at Latham

House Medical practice
Housing Policy Officer (HPO) of Melton Borough Council Under the circumstances of this 100% scheme, no objections raised

Appendix B : Summary of representations received

Principle of Development

Objection raised to the principle of development since existing dwellings on Hedgehog Close purchased from developers who had said this was to be a quiet cul de sac with limited traffic, and a commercial/office use at the termination point. These proposed houses were never on the original Westleigh plans. It had been stated that the end of the cul de sac would be bollarded so that no through traffic would be present and traffic using the cul de sac would be limited.

Purchasers of the existing houses here were told 4 offices would be built. The previous approval meant that there would be low level single storey industrial units.

Existing recently built houses had been purchased on basis that Hedgehog Close was to be cul de sac with limited traffic making it safe for children, and developer had said they will be building a play area, which was a good idea given the estate is separated from any local amenities.

Impact on neighbours and neighbouring properties

Close proximity of two storey buildings and position in relation to existing garden, would have negative impact on privacy, light and quality of life, representing a departure from what had been offered at point of sale, including expectation of low level commercial buildings with restrictions on their height, thereby providing some additional privacy.

Scheme will bring more traffic on Hedgehog Close which is a narrow residential street and completely contradict the environment and way in which the homes of existing residents were sold to these residents by the developer

Reduction in amenity to existing residents of Otter Road and Hedgehog Close given increased noise and traffic generated by additional houses

Scheme potentially brings 12 extra cars to the cul de sac which would dramatically increase the pollution for all existing dwellings. The proposed plans have also removed the previously agreed green corridor, (which would have run between existing houses plot 1, plot 10 and the previously agreed light industrial units), supported by trees and shrubbery and heavy duty noise attenuating fencing. This feature had been referred to by the developers representatives when considering buying a home in this location, and such green corridors will become increasingly important to support the local ecosystem and wildlife that resides in and around the estate.

Scheme will have negative impact on both environmental and social factors and the

quality of life of existing residents.

Plot 1 is right next to the proposed plan. Privacy will be lost by the new plots. The plot was purchased specifically because it bordered the proposed office block and the plan does not maintain the same level of separation.

Loss of managed play area/no scope for play area or open space

Concern over the developers going back on their plans to provide a managed play area for the children on the estate, and now proposing new dwellings, is unacceptable. This leaves current children without any suitable areas to play, and will mean them and new children having to play in and around roads, in a potentially dangerous environment.

These extra 14 affordable homes will be family homes with children, and given that the existing children of local residents have nowhere to play other than the streets, given the lack of any play area or open space, this scheme will only generate more children onto these streets, and no proper place to play.

Highways aspects

Scheme will generate more traffic on a narrow residential street to its detriment.

Use of Bowling Green as a access road for eight of the houses will mean increased traffic on this roadway to the detriment of the safety of vehicular and pedestrian users, who use this highway for the Baptist Church and the Indoor Bowls Club.

Young mothers with prams and pushchairs, toddlers on foot use the road to attend social groups at the Church, and many elderly people use it to access the Indoor Bowls Club. Recent photographic evidence submitted showing many cars parked along Bowling Green thereby making it unsuitable for use as an access to any part of this proposed development, and during any construction phase, further hazards will be created by the number of HGVs delivering materials. Little benefit in making a new site access point off Bowling Green for just 8 homes, when the existing access off the A607 Leicester Road, serving Otter Road, and then Hedgehog Close, is already in place, and could accommodate these additional 8 homes.

The previously approved commercial development at this location was objected to on grounds of highway safety, and this new roadway access via Bowling Green, will be an undesirable precedent for even further development should the developer try to purchase land belonging to the Church, thereby exacerbating the traffic issue along Bowling Green still further.

The additional 8 new homes using Bowling Green will increase highway safety issues, at the roundabout on Leicester Road, which Bowling Green is linked to. This takes access from5 premises already, being B&Q, Melton Mowbray Building Society, Melton Indoor Bowls club, Melton Town Bowls Club and the Baptist Church, and there are currently times when the amount of traffic approaching this roundabout is quite heavy

Appendix C: Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

2.The development shall be carried out in accordance with the following plans:

40643/232

40643/225 Rev F

40643/237 Rev C

40643/233 Rev D

40643/235 Rev C

WD/406/09C

19/1429.001 Rev A

40643/226 Rev A

40643/227 Rev A

40643/228 Rev A

40643/229 Rev A

40643/230 Rev A

40643/231 Rev A

40643/234 Rev A

40643/236 Rev A

3. No development shall commence on site until all existing trees and hedges 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 tree(s), 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.

4. The approved landscape scheme (both hard and soft) shall be carried out before the residential occupation of the buildings or the completion of the development, which ever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on countryside drawing number 40643/225 Rev F have been implemented in full

6. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided where any private drive adjoins the highway boundary with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and once provided, shall be so maintained in perpetuity

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Countryside drawing number 40643/225 Rev F. Thereafter the onsite parking provision shall be so maintained in perpetuity

8. No part of the development hereby permitted shall be occupied until a scheme for off-site highway works to improve the existing pedestrian facilities on Bowling Green, including the resurfacing of the existing footways and the removal of the existing bollards has been submitted to and approved in writing by the Local Planning authority and implemented in full

9. No part of the development hereby permitted shall be occupied until a scheme demonstrating a suitable barrier between the parking provision for Plot 104 and Bowling Green has been submitted to and approved in writing by the Local Planning Authority and implemented in full

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. In order to ensure the long term health of the trees and hedges to be retained.

4. To ensure the provision and maintenance of landscaping

5. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019)

6. In the interests of pedestrian safety and in accordance with the National Planning Policy framework (2019)

7. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

8. To mitigate the impact of the development, in the general interests of highway

safety, to ensure suitable pedestrian links to encourage walking and cycling from the site and in accordance with the National Planning Policy Framework (2019)

9. To mitigate the impact of the development in the general interests of highway safety, to ensure vehicles do not enter Bowling Green via an unauthorised access point and in accordance with the National Planning Policy framework (2019)

Relevant Informative to be included on decision notice is Note from Local Highway Authority

Appendix D : Applicable Development Plan Policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C2 Housing Mix.
- Policy C4 Affordable Housing Provision.
- Policy EC3 Key Employment land
- Policy D1 Raising the Standard of Design
- Policy EN11 Minimising the Risk of Flooding.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN3 Infrastructure Contributions and Community Infrastructure Levy.