

### **19/01371/VAC: Spinney Campus - Brooksby Melton College, Melton Road, Brooksby, Melton Mowbray**

- **Removal of Condition 20 (phasing for implementation of the whole development and requirement of the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings).**
- **Proposed amendments to s106 obligations**

#### **1. Summary:**

Members may be aware that outline planning permission was granted at the above site, on appeal, in November 2017 for “Mixed use redevelopment for residential development (up to 70 dwellings) B1 development (up to 850 sq metres) and village shop 100 sq metres (A1) with means of access”.

This included the following condition, which the current application seeks to remove in its entirety:

No development shall take place until a programme of phasing for implementation of the whole development has been agreed in writing by the Local Planning Authority. Any amendment to the approved phasing programme must be first agreed in writing by the Local Planning Authority. The Local Planning Authority will require the completion of the shop and industrial units prior to occupation of 75% of the proposed residential dwellings.

The appeal was supported by a s106 Unilateral Undertaking conveying various elements as follows:

- Provision of affordable housing comprised of 6 units at the application site and 21 at the King St, Melton Mowbray site.
- Payments to LCC for library, education (primary and secondary) and civic amenity capacity
- Bus Passes and bus stop enhancement
- Contribution to policing
- Commitment to undertake a series of upgrading works to the College’s theatre in Melton Mowbray

- Commitment to undertake a series of works to restore, repair and upgrade Brooksby Hall
- Commitment to provide and operate a 'village shop' on the application site



This application is accompanied with a request that these are amended as follows:

- Delete the provision of all affordable housing in view of the introduction of the Vacant Building Credit provisions now in force;
- A revised and less extensive schedule of works to upgrade the theatre.
- Removal of the obligation in relation to the 'village shop'
- Adding a contribution of £100,000 towards the development of the Place Partnership towards developing the brand and offer of Melton as 'the rural Capital of Food'.

**(n.b. all other obligations would be unaffected)**

The background to these requests, their impact and merits are addressed in the report below.

## 2: Recommendations:

- (i) That planning permission is **APPROVED**;
- (ii) That the proposed variations to the s106 agreement are agreed.

## 3: Reasons for Recommendation:

In the opinion of the Local Planning Authority the proposal presents a composite package of measures that would enhance the educational and cultural acumen and offer of the Borough, which is considered to outweigh the harm resulting from the loss of the 'village shop' and employment space in sustainability terms.

That affordable housing, both on and off site, is no longer required due to the introduction of the Vacant Building Credit component of national planning policy (which was not present at the time of the permission to which this variation relates).

## 4: Key factors:

### Reason for Committee Determination

The application is required to be presented to the Committee at the request of the Chair due to its significant implications and the proposed deviation from the previous Committee determination.

### Relevant Policies

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

- **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:

- Facilitation of investment in the college's physical infrastructure and ability to develop its educational offer
- Removal of affordable housing provision
- Impact on sustainability of removal of the 'village shop'

- Impact of the adjustment of investment in the theatre
- The revised 'planning balance'

## 5: Report Detail:

### 5.1 Position under the Development Plan policies

The application site is an allocation remote from any settlement and where development is permitted only under policy SS3 where specific unfulfilled need is identified. However outline planning permission exists under the appeal decision 15/00246/OUT for residential development (up to 70 dwellings) B1 development (up to 850 sq metres) and village shop 100 sq metres (A1) with means of access.

The proposed variation would not affect the scope of this permission. However it would remove condition 20 which provides the obligation to provide the shop and employment space at the ¾ stage of the development, which in effect will mean there is not requirement to provide them at all.

### 5.2 Principle of Development

The principle of development is established by the Outline planning permission dating from November 2017. The predominant aspect of this permission (housing up to 70) would not be affected by the proposed variation. As such development of the site is established in principle and the application addresses only its configuration and composition. The approved access arrangement would remain unaffected.

The appeal decision letter clearly recognised that the development was contrary to planning policies at all levels but granted it as an 'exception' based on the unique benefits it would deliver through the associated s106 obligations (see above for summary). The applicants wish to vary this to provide a different 'package' of benefits and the Committee is invited to consider whether they continue to be sufficient to justify the exception already established.

In support of the application the applicant has explained that the College has devised a new strategy for the future, focussing its educational offer in line with local, regional and national skills needs. The strategy focuses on key themes that will support not only local, regional and national skill requirements in the short and medium term, but is aligned with Melton's ambition to 'reinvent' the town as outlined in Melton Borough Council's Destination Management Plan. As a College at the heart of the farming and food production community, the curriculum needs to reflect the broad aims of Melton and its designation as Rural Capital of Food. It aspires to produce the next generation of forward-thinking farmers armed with the most successful, innovative and sustainable techniques but also create a real understanding of the food production and supply chain that meets the College's 'field to fork' aspirations and supports the local economy.

The College has developed its Rural Catering Centre, at Asfordby Road, which includes a restaurant with state-of-the-art production kitchens together with classrooms and meeting rooms. The ambition is to create an excellent hospitality

and catering workforce, showcasing and promoting local food. This should be the outlet for not only local food producers but also for food grown and produced by the College's learners at Brooksby campus.

In order to realise this, significant investment is required in the College's estate, especially its farming facilities at Brooksby. A master plan has been developed for this, costed at high level and prioritised based on the most benefit to learners. It includes:

- New entrance and internal road at Brooksby
- New student accommodation – location to be decided
- New student facilities, including reception, student services, library
- New model farm & animal care facilities
- New farm buildings and innovation centre
- New sports facilities
- Refurbishment and reconfiguration of Brooksby Hall
- Refurbishment of Melton Theatre

The government's capital funding programme is now at an end and any new developments will need to be funded directly from the College's own funds. The College has an opportunity to kick-start its new strategy and develop its new farm buildings and innovation centre by investing proceeds from the receipt of the sale of its Spinney Campus. However, market interest in the site has been compromised by the content of the planning permission in terms of the shop, employment land and affordable housing requirements and the ability to invest any proceeds of sale hampered by the s106 specification in relation to the Theatre - an investment of £2million in value.

The application and variation of the s106 therefore seeks to reconfigure the obligations to facilitate the sale of then site and allow the proceeds to be dedicated to the revised priority areas for investment.

This includes

- Reducing – but not removing – investment in the theatre to a less extensive range of works, reflecting the fact it is not a priority area. This revised specification would cost circa £0.5 million.
- Removal of the affordable housing obligation significantly enhances the marketability of the site and its market value, allowing the other areas for investment to be achievable.

**Overall, the principle of the development is established and would not be affected by the currently proposed amendments.** These address the inclusion of the shop and employment space which are relatively minor aspects of the development and the s106 benefits that are proposed to be reconfigured.

### **5.3 Provision of affordable housing (on and off site)**

The existing permission (via s106) provides for 6 on site affordable houses and the provision of 21 affordable homes by the redevelopment of the King Street site in Melton Mowbray.

However, Vacant Building Credit is now applicable which should balance against

provision of affordable housing. Paragraph 63 of the NPPF 2019 states:  
“ . . . . . To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.

The Spinney site has a large amount of redundant education floorspace. A survey of floor space indicates in excess of 4,342 sq m of qualifying floor space. The planning consent requires the provision of 27 affordable homes. They are likely to range in size from 90 sq m to 120 sqm. Taking an average measurement of 110 sqm each, that would equate to 2,970 sq m. This is approx. 68% of the redundant floor space

**No affordable housing contribution is therefore required and as such strong grounds exist to remove it from the s106.**

#### **5.4 Impact on residential amenity**

Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. The layout of the proposed dwellings is indicative and is not changed by this application. However, due to the distances involved and orientation of the nearby dwellings, no close or direct views of private areas would result and there would be no unacceptable loss of amenity as a result of the development which would warrant refusal of the application. The permission is in outline with no detailed layout provided. **There is no reason to continue to conclude that it could not satisfactorily accommodate 70 dwellings without giving rise to undue impact on residential amenities.**

**The proposal would not have an unduly adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

#### **5.5 Removal of shop and employment space**

A Marketing Report has been carried out for the site together with an Estate Agent's letter that focuses on the B1/A1 element. This sets out the difficulties in securing interest for the site for a range of reasons including the cost and lack of interest in the shop and employment components of the permission. This, along with the affordable housing component, has been the major impediment during marketing.

These elements were included in the scheme to broaden the 'offer' presented by the development and assist in the overall assessment of sustainability. In addition the shop was to be run, initially, by the College and was intended to showcase student's products.

Whilst admirable objectives, it is considered doubtful whether future residents would find employment on the site and in reality it is considered they would travel elsewhere for work. At its worst, the employment space may attract workers to carry out travel to work journeys in a less sustainable pattern than is currently the case, given its relatively 'remote' location.

The shop was not intended to provide for residents day to day needs but rather to showcase students products. The College has advised that it still intends this but

would do so by making use of existing premises rather than a new build facility.

**Whilst it is considered that the removal of these features from the scheme weakens the sustainability 'credentials' of the site, it is considered that based on the site location and nature of the uses concerned, this is marginal and as such the reduction in the positive weight attributed to these features should be limited.**

#### **5.6 Highway Safety**

**The access arrangements are fully detailed and form part of the approved permissions.** These include very greatly enhanced crossing and speed reduction measures which are considered beneficial to the area in highway safety terms. **These are not affected by this application.**

#### **5.7 Heritage Assets**

**The application would retain the commitment to invest in repairs and enhancement to Brooksby Hall, without amendment.** Brooksby Hall is a Grade II Listed Building with a series of issues and some unfortunate additions over the years that detract from it and its setting. The facilitation of works to address some of these is regarded as a positive aspect of the existing permission which would not be affected by the current proposal. The NPPF advises that 'great weight' should be given to the preservation and enhancement of heritage assets and as such it is considered that this aspect of the proposal should continue to retain significant positive influence in the overall 'planning balance'.

**The proposal would continue to comply with Policy EN13.**

#### **5.8 Contribution to the Place Partnership**

It is considered that the contribution relates directly to the proposal due to the linkages between the College's focus on sustainable rural development and food production, exemplified by the 'field to fork' ethos. This has synergy and directly complements the work of the Place Partnership in terms of developing the brand and offer of Melton as 'Rural Capital of Food'- indeed the activity of the College will form part of that 'offer'. It is therefore considered legitimate within the scope of s106 contributions defined within Reg. 122 of the Community Infrastructure Regulations.

## **Consultation & Feedback**

A site notice was posted and neighbouring properties consulted. As a result 4 representations have been received as summarised in this report. The issues raised are addressed in the sections of the report above.

## Financial Implications:

The proposal includes a payment of £100,000 to Melton Borough Council towards projects undertaken under the place Partnership.

## Background Papers:

A previous application and appeal 15/00246/OUT:  
Mixed Use redevelopment of the disused education/agriculture complex at The Spinney, Brooksby for residential development (up to 70 dwellings) , B1 (up to 850 sq m) and village shop 100 sq m (A1) with means of access, Brooksby, Melton Mowbray, Leicestershire.

## Appendices:

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

## Report Timeline:

Assistant Director Approval

19<sup>th</sup> February 2020

**Report Author: Mr J Worley, Assistant Director for Planning and Delivery**

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## Appendix A : Consultation replies summary

### Parish Council:

### Lead Local Flood Authority:

The condition sought for removal under this application does not relate to surface water and consequently, Leicestershire County Council as the Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that it has no comments on this application at this time. Standing Advice is provided.

**LCC Archaeology:** No objections subject to conditions -



Whilst the proposals are smaller than previously, the advice given in relation to the earlier application stands. The desk based assessment and geophysical survey indicated that there is potential for archaeological remains to be encountered. It is recommended that the current application is approved subject to conditions for archaeological mitigation, including necessary intrusive and non-intrusive investigation and recording (earthwork survey of the ridge and furrow and trial trenching). If planning permission is granted the applicant must obtain a suitable written scheme of investigation (WSI) prior to the start of development.

**LCC Highways:** No objection to Variation of Condition 20.

**Ecologist:** Comments -

The proposed variation will not impact the existing or proposed biodiversity of the site and we therefore have no comments on, or objections to, this

**Charnwood BC:** request until 29 Jan 2019 to make comments.

No comments subsequently received.

## Appendix B : Summary of representations received

### Neighbours:

Representations from 4 local residents have been received objecting to the application on the following grounds:

- There is already lack of shops in the area, this requirement of the planning permission should not be set aside;
- The road layout on this busy A607 is dangerous, with junction leading to school etc and pupils crossing this road bus stops
- Nearby no shops; everyone who needs to go to local towns either bus or Drive, increasing carbon foot print
- Solution is construct an roundabout on A607
- See no reason to depart form the Inspector's conditions
- The removal of condition 20 would result in this development becoming solely a commuter development with motorway links to Coventry Birmingham and London, and in doing so would remove any resemblance to a "community" with local services and employment, and a lower carbon footprint, which the original application put emphasis on.

## Appendix C: Recommended Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before 17.10.2020 and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

## **Delete Condition 20**

### **All other conditions of permission 15/00246/OUT to be reproduced, i.e.**

2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

3) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

4) The reserved matters shall provide for a mix of types and sizes of dwellings that will meet the area's local market housing need.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan HG0358/001, Site Access Improvement NTP-14053-05 Rev 0, Proposed Site Access 15387-001 Rev B.

6) 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. The scheme shall include details of the management of surface water on site during construction of the development, the long term maintenance of the sustainable surface water drainage system within the development, and shall include details of infiltration testing to confirm or discount the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy. The scheme shall also ensure that surface water does not drain into the Public Highway including private access drives. The scheme shall be implemented as agreed and thereafter maintained as such.

7) Prior to first occupation of the development hereby permitted the vehicular access to the site shall be provided with 6m wide carriageway with 2m footpath, 3m bridleway and 10m kerbed radii. The site access shall be resurfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

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

9) Before the development hereby permitted commences, details of the routing of construction traffic shall be approved by the Local Planning Authority (LPA). During the period of construction, all traffic to and from the site shall use the agreed route at all times.

10) No development shall take place until a further phase two site investigation has been undertaken in accordance with details approved by the LPA. The intrusive works shall focus upon the following oil/fuel tanks as identified in the initial BSP Consulting Combined Phase I Desk Study & Phase II Exploratory Investigation dated 26 January 2015:

- a. The active diesel tank
- b. The disused diesel tank
- c. Oil storage tank adjacent to borehole SW16 and
- d. Oil storage tank adjacent to borehole SW17.

The results of the investigation shall be provided to the LPA and shall include a revised conceptual model and method remediation statement. The method statement should also include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved by the Local Planning Authority.

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

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

13) No topsoil from the existing site shall be used in connection with the development unless sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.

14) No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. As a minimum the scheme must achieve the façade acoustic specifications outlined in noise impact assessment DC1677-R2 by Dragonfly Consulting. The acoustic mitigation scheme shall include a copy of the approved ventilation scheme wherein 'whole dwelling ventilation' must be achieved on the presumption of windows being closed. The acoustic mitigation scheme shall demonstrate that the proposed habitable rooms are so not different in specification to those assumed in the noise assessment as to materially affect the suitability of the proposed façade acoustic specification. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.

15) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified: - all previous uses -potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

16) No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

17) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 16 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

18) No development shall start on site until specification details of pelican crossing facilities for use by horse riders have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

19) No development shall start on site until specification details of the bridleway through the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

## **Appendix D : Applicable Development Plan Policies**

### **Local Plan**

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C2 Housing mix
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1 Raising the Standard of Design.
- Policy EN13 Heritage Assets