

Agenda

Meeting name	Special Planning Committee
Date	Tuesday, 10 December 2024
Start time	6.00 pm
Venue	Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	A. Thwaites (Chair)	J. Mason (Vice-Chair)
	P. Allnatt	I. Atherton
	S. Atherton	R. Browne
	P. Cumbers	M. Glancy
	M. Gordon	L. Higgins
	D. Pritchett	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Monday, 2 December 2024

No.	Item	Page No.
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
3.	SCHEDULE OF APPLICATIONS	
3.1	MELTON NSN MASTERPLAN OVERARCHING REPORT To receive a report from the Assistant Director for Planning that provides the overarching context in respect of the MNSN as defined within policy SS5 of the adopted Melton Local Plan and the approved Masterplan	3 - 8
3.2	APPLICATION 21/01198/OUT Fields south of Spinney Farm, Melton Spinney Road, Melton Mowbray (Taylor Wimpey)	9 - 48
3.3	APPLICATION 21/00973/OUT Fields OS 2555 2928 0929 8230, Scalford Road, Melton Mowbray (Barwood)	49 - 84
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MEMBER INTERESTS

Do I have an interest?

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land/Property, Licences, Tenancies and Securities.

A Disclosable Pecuniary Interest is a Registerable Interest. Failure to register a DPI is a criminal offence so register entries should be kept up-to-date.

2 OTHER REGISTERABLE INTERESTS (ORIs)

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

3 NON-REGISTRABLE INTERESTS (NRIs)

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Declarations and Participation in Meetings

1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)

- 1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:
- a) you must disclose the interest;
 - b) not participate in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

2 OTHER REGISTERABLE INTERESTS (ORIs)

- 2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:
- a) you must disclose the interest
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

3 NON-REGISTRABLE INTERESTS (NRIs)

- 3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:
- a) you must disclose the interest;
 - b) may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
 - c) must not remain in the room unless you have been granted a Dispensation.

4 BIAS

- 4.1 Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias):
- a) you should not take part in the decision-making process
 - b) you should state that your position in this matter prohibits you from taking part
 - c) you should leave the room.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you become aware. In any other circumstances, where Members require further advice they should contact the Monitoring Officer or Deputy Monitoring Officer in advance of the meeting.

Melton North Sustainable Neighbourhood

Report Author:	Sarah Legge , Assistant Director for Planning 01664 502380 SLegge@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning 01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Margaret Glancy, Cllr Simon Lumley, Cllr Tim Webster
Date of consultation with Ward Member(s):	Autumn 2021
Exempt Information:	No

1 Summary

- 1.1 At the Special Planning Committee meeting of 10th December 2024, Members will be asked to determine three planning applications relating to the Melton North Sustainable Neighbourhood (MNSN) allocated sites. There is a clear, important and unambiguous interaction between the three planning applications (references 21/00989/OUT, 21/00973/OUT and 21/01198/OUT), and they all draw their content from the approved Masterplan.
- 1.2 This report provides the overarching context in respect of the MNSN as defined within policy SS5 of the adopted Melton Local Plan and the approved Masterplan. It also sets out the housing land supply position and the reliance upon the sustainable neighbourhoods to deliver from now until the end of the Plan Period and beyond. This will ensure that the Council can demonstrate at least a 5 year housing land supply and pass the Housing Delivery Test, ensuring that the Local Plan is delivering as planned.
- 1.3 The MNSN is allocated within the adopted Melton Local Plan, and the Masterplan was approved by Melton Borough Council’s Cabinet on 13th October 2021. This followed a period of consultation with ward members and Leicestershire County Council which commenced on 25th August 2021.
- 1.4 The Masterplan is a non-statutory document which provides guidance on the implementation and application of the Local Plan in the MNSN area, and is a material consideration in the determination of planning applications in the allocated Melton North Sustainable Neighbourhood. The Masterplan builds upon the policy SS5 and should be

read alongside it. All planning applications in the MNSN are expected to demonstrate due regard and strong adherence to the Masterplan as set out within the document.

2 Recommendations

That Planning Committee:

- 2.1 Notes the detail of this report, the Local Plan Strategy, and the approved Masterplan, in order to proceed to determine the three outline planning applications on land between Scalford Road and Melton Spinney Road, on land forming part of the Melton North Sustainable Neighbourhood as defined in the adopted Melton Local Plan.

3 Reason for Recommendations

- 3.1 The Masterplan is a material consideration in determining all relevant planning applications in the MNSN. Whilst there are three separate planning applications presented to committee on 10th December 2024, it is important for Members to note that the Masterplan provides the framework that the applications have been prepared within.
- 3.2 The adopted Local Plan Strategy includes the delivery of the two Sustainable Neighbourhoods in Melton Mowbray which together provide almost two thirds of the housing supply for the Borough in the Plan Period (2011-2036).

4 Background

- 4.1 The Melton Local Plan was adopted in October 2018, setting the housing and employment land allocations across the Borough to ensure sufficient land supply over the period in addition to the vision and overall strategy. The Plan sets out the overarching strategy for the Borough over the period 2011-2036, including adopted housing numbers.
- 4.2 The overarching housing strategy for the Borough includes the delivery of two Sustainable Neighbourhoods (SN), one to the north and one to the south of Melton Mowbray. The concept of the Sustainable Neighbourhoods came about to ensure that the substantial growth required in the Borough is focussed on the most sustainable location: Melton Mowbray. They also represented the most sustainable way of growing the town, underpinned by the evidence base examined by the Planning Inspectorate. Additionally, the allocation of the Sustainable Neighbourhoods ensured that significant investment could be levered in – namely the Melton Mowbray Distributor Road (MMDR). Alone, the MMDR has meant that Melton has benefited from £50m investment from Department for Transport, in addition to substantial investment from Leicestershire County Council and others.
- 4.3 At the present time, Melton Borough Council can demonstrate that it is meeting its housing targets under the Housing Delivery Test, and has a relatively comfortable 7.6 years housing land supply (against a 5 year requirement). This housing land supply position is almost wholly reliant upon the two sustainable neighbourhoods delivering substantial housing from now until the end of the Plan Period and beyond.
- 4.4 The Melton Local Plan establishes the policy basis for a Masterplan for the MNSN to coordinate its content and delivery. The MNSN comprises a swathe of land that bounds the northern extents of Melton Mowbray, stretching from Nottingham Road in the west, to Melton Spinney Road in the east. The area of the MNSN was determined during the

development, consultation, examination and adoption process of the Melton Local Plan. This comprised various statutory consultations, the production of substantial evidence base, sustainability appraisal and ultimately an examination in public by the Planning Inspectorate.

- 4.5 Melton Borough Council commenced work on a Masterplan for the site in early 2019, and following the determination of the sites to the west of Scalford Road in August 2019, the scope of the Masterplan was expanded to encompass the whole Sustainable Neighbourhood, incorporating the area already permitted to the west of Scalford Road. The Masterplan therefore includes all of the allocated MNSN area.
- 4.6 Following the determination of the planning applications to the west of Scalford Road in August 2019, the remaining developers to the east of Scalford Road (William Davis, Barwood Land and Taylor Wimpey) agreed to work together and with the Council to create a Masterplan to ensure a comprehensive, cohesive development for the remaining part of the MNSN. Sites to the west of Scalford Road (already permitted) were then incorporated into the Masterplan.
- 4.7 The Masterplan was developed by both officers of the Council and the developers in a collaborative manner, following an iterative approach. It was a positive undertaking and commitment from all parties which has considered during the determination of the planning applications. Part 1 of the Masterplan covers the whole MNSN area, Part 2 focuses on the sites to the east of Scalford Road (which the three planning applications to be determined at the meeting of the Planning Committee on 10th December 2024 cover), and Part 3 focuses on the sites to the west of Scalford Road.
- 4.8 The Masterplan provides the background to the evolution of the MMDR, the Masterplan and the development approach, and demonstrates that the document evolved over a period of time, ensuring its quality in addition to the important buy-in from the developers in the area. The document guides delivery of the Local Plan Policy SS5, within which the ideas and aspirations have been fine tuned.

5 Main Considerations

- 5.1 The Masterplan covers the following:
 - Context and background, site analysis and vision, the role of the Masterplan for delivery of the MNSN and the wider strategy for the area;
 - The status of the document as a material consideration for applications, and the weight the Council applies to it;
 - A development framework setting out the MNSN in terms of land uses, residential, community facilities, schools, playing fields and the Melton Mowbray Distributor Road (MMDR);
 - The necessity for development contributions to pay for the critical infrastructure such as the MMDR and schools, including the recovery of funding 'forward funded' by the County Council;
 - A detailed history of the development of the Masterplan, and how the concept Masterplan was formed;
 - Detailed information relating to street hierarchy to ensure consistency and legibility between different parts / phases of the site;

- Critical design criteria in relation to the layout, provision of open spaces, legibility and permeability, and building scale.

5.2 The three planning applications for consideration at the Special Planning Committee meeting of 10th December 2024 are submitted in accordance with the overarching aims and objectives of the Masterplan. They are linked by virtue of both their location (neighbouring sites within the MNSN), in addition to the reliance upon each other for the various forms of infrastructure that form the Sustainable Neighbourhood. Whilst all three sites are residential-led development, each contributes towards the wider on-site provision of infrastructure including (but not limited to) the primary school, allotments, sports pitches and pavilion etc.

5.3 An extract of the main ‘Concept Masterplan’ is shown below to illustrate the comprehensive planned approach and the interdependencies between the sites to ensure a coherent Sustainable Neighbourhood approach:



6 Options Considered

6.1 The Council undertook to ensure that a Masterplan was produced for the MNSN for a number of reasons:

- Whilst not explicitly required by policy SS5, it is encouraged, and a specification for the Masterplan is included within the policy regarding its content and scope. The Masterplan approved by the Council in October 2021 satisfies the requirements of the policy.
- A more formal approach (such as a Supplementary Planning Document) was considered inappropriate given the policy context already provided by the Local Plan;

- iii) The Masterplan assisted the County Council, giving assurance regarding the significant and important infrastructure investments (particularly the MMDR) that the County Council is making in Melton Mowbray.

7 Consultation

- 7.1 The Melton North Sustainable Neighbourhood (MNSN) was formulated by the Melton Local Plan (2011-2036), and was subject to significant engagement with statutory consultees and interested parties (including the public) at its various stages of development, in accordance with statutory requirements over the period 2014 – 2018.
- 7.2 The Masterplan was not subject to public consultation owing to its status as non-statutory guidance; however the County Council was consulted on its content in August 2021, and their responses were considered and incorporated within the document as appropriate. Melton Borough Council Members were provided with a draft version of the Masterplan on 23rd August 2021, followed by a formal briefing on 25th August. The Masterplan was approved by the Council's Cabinet on 13th October 2021.

8 Financial Implications

- 8.1 None

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

- 9.1 The Masterplan is a non-statutory document and is a material consideration in the determination of planning applications in the Melton North Sustainable Neighbourhood. It assists supporting the delivery of allocated sites in the adopted Melton Local Plan, and the weight to be attached to the document is a matter for the decision maker.

Legal Implications reviewed by: Deputy Monitoring Officer

10 Equality and Safeguarding Implications

- 10.1 N/A

11 Environmental and Climate Change Implications

- 11.1 The Melton North Sustainable Neighbourhood and Melton Mowbray Distributor Road are both important elements of the approach to sustainable development particularly in terms of travel patterns and traffic flow. The Local Plan, and the allocation of the Sustainable Neighbourhoods has been sustainability appraised prior to the adoption of the Local Plan, and the Development Plan has been considered to be the most sustainable approach to development in the Borough.

12 Other Implications (where significant)

12.1 None

13 Background Papers

13.1 [Melton North Sustainable Neighbourhood Masterplan](#)

13.2 [Melton Borough Council Cabinet Meeting 13th October 2021 \(Item 201: Melton North Sustainable Neighbourhood Masterplan\)](#)



Planning Committee

10 December 2024

Report of: Assistant Director for Planning

Proposal: 21/01198/OUT Outline planning application (with all matters reserved apart from access) for construction of a residential-led mixed use development to provide up to 480 dwellings (market and affordable housing), potential land for an additional new primary school, open space, landscaping, new vehicular access points from Melton Spinney Road and adjacent consented Taylor Wimpey Development and associated infrastructure.

Site: Fields south of Spinney Farm, Melton Spinney Road, Melton Mowbray

Applicant: Taylor Wimpey (UK) Limited

Planning Officer: Richard Redford

Report Author:	Richard Redford , Team Leader
Report Author Contact Details:	01664 502338 richardredford@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	07771 733262 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Margaret Glancy, Cllr Simon Lumley, Cllr Tim Webster
Date of consultation with Ward Member(s):	19 November 2021
Exempt Information:	No

Reason for Committee Determination:

Letters of objection have been received from more than 10no. households, contrary to the Officer recommendation.

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

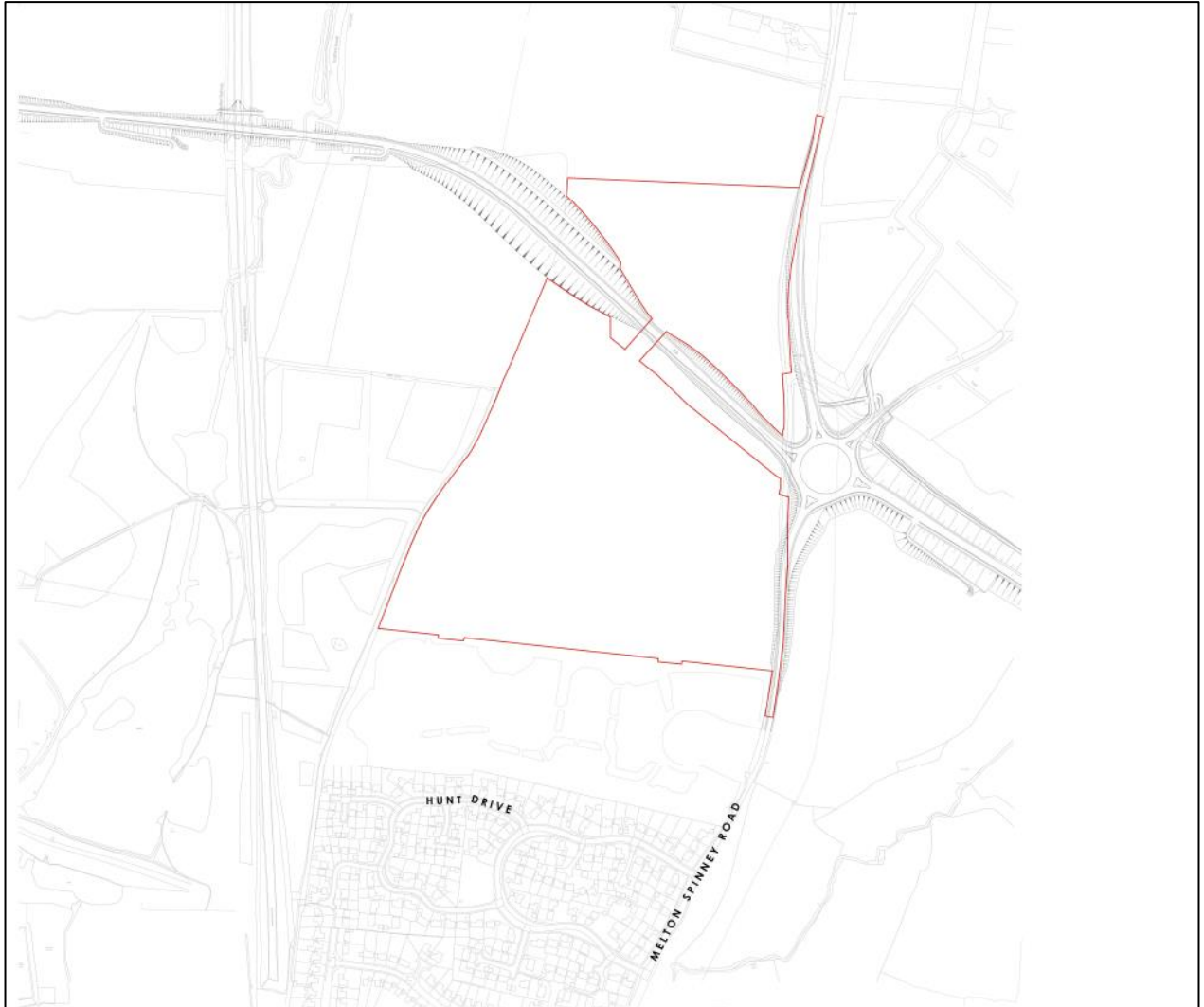
What 3 words:

<https://what3words.com/punk.tricky.book>

RECOMMENDATION(S)

1. Approval subject to conditions as listed in detail at Section 10 of this report, informatives and the following Section 106 contributions;
 - 7.5% affordable housing with a 50:50 split between first homes and affordable rent;
 - £404,494.40 toward primary care;
 - £3,779,995.67 to LCC Highways toward strategic road improvements (MMDR);
 - £489,401.28 to LCC Education toward Brownlow Primary School;
 - £3,959,067.91 and 2ha land for LCC Education toward primary education;
 - £1,412,250.74 LCC Education toward secondary education;
 - £202,074.45 LCC Education toward post 16 education;
 - £177,095.85 LCC Education toward SEND education; and
 - £20,000-£30,000 passive provision of a signal crossing over the MMDR.

1 Executive Summary



- 1.1 Outline planning permission with access (all other matters reserved) is sought for the construction of a residential-led mixed use development to provide up to 480 dwellings (market and affordable housing), potential land for an additional new primary school, open space, landscaping, new vehicular access points from Melton Spinney Road and the adjacent consented Taylor Wimpey Development and associated infrastructure.
- 1.2 The application site forms part of a larger area designated in the adopted Melton Local Plan to provide the Melton North Sustainable Neighbourhood (MNSN) where the provisions of policy SS5 are relevant. Due to this allocation within the Local Plan, the development is acceptable in principle in accordance with policies SS1, SS2 and SS5. The proposal is located in a highly sustainable location and will contribute positively toward the significant delivery of identified housing need within the Borough alongside other uses.
- 1.3 This site is included within the comprehensive masterplan for the Melton North Sustainable Neighbourhood (MNSN). The masterplan was approved by Melton Borough Council in 2021, and can be viewed on the Council's Local Plan website: [Approved North SN Masterplan | localplan](#) The applicants have been working closely with Melton Borough Council, Leicestershire County Council and the other developers in the MNSN for more than 7 years to bring this site forward, including prior to the submission of the Local Plan for examination, and during the design of the MMDR N&E. The masterplan is a comprehensive

document, and was prepared to ensure that the development brings together all of the sites to ensure that the neighbourhood functions as a whole rather than as three separate development parcels.

- 1.4 From a highways perspective, there are also two other planning applications currently being considered that are situated adjacent to this site (references 21/00973/OUT and 21/00989/OUT) with the Highway Authority having assessed each individually and cumulatively to ensure a thorough, detailed assessment of the highway implications have been undertaken. These assessments have indicated that the proposals will not have any unacceptable impacts upon highway or pedestrian safety subject to appropriate conditions and contributions through a Section 106 Agreement being associated with any approval.
- 1.5 It has been shown from the indicative site layout plan provided that the site is capable of accommodating the various elements that form the development and is able to do so in a manner that would not result in any adverse or detrimental impacts upon amenity. Furthermore, it has also been established that it is within the site's ability to accommodate the proposed development, including provision for the relevant parking standards (i.e. there is sufficient space).
- 1.6 Based on the assessment of the development against the relevant policies and taking account of technical consultee responses and letters of objection / representation received, officers are satisfied that the development will result in less than substantial harm on archaeology across the site, and there will not be any impacts upon trees, hedgerows, ecology, flooding and drainage which cannot be addressed by way of conditions (detailed at Section 10 of this report).
- 1.7 Contributions are sought towards the development to mitigate the impacts caused by the development. Following the assessment and consideration of the contributions sought by the applicant, a viability appraisal has been provided showing that based on the full contributions sought, the development would be unviable. Notwithstanding this, significant amounts of negotiation have been undertaken by the Borough Council and between those seeking the contributions, and as a result revised contributions have been sought for affordable housing, education, highways and the NHS that will enable the development to be viable whilst also positively contributing to the Borough. The viability assessment submitted by the developer has been independently assessed on behalf of the Council.
- 1.8 The application is therefore recommended for approval subject to a Section 106 agreement, conditions and informatives.

Main Report

2 The Site

- 2.1 The site currently is generally a rectangular shaped parcel of land, made up of one large field which has been bisected by the (under construction) Melton Mowbray Distributor Road. To the south the site is bound by phase 1 of the Taylor Wimpey development accessed from Melton Spinney Road, there is an existing hedgerow on this boundary which is proposed to be retained. To the west the site is mostly bound by the Melton Country Park, and further agricultural fields. To the north there is open countryside, and to the east Melton Spinney Road and Twin Lakes park. The ground level of the site rises northwards and westwards towards Melton Country Park and the open countryside. Land levels around the Distributor

Road which is currently under construction have been altered as the road is situated in a cutting at this section.

- 2.2 To the south of the application site, construction works are underway in respect of a development of 200 dwellings with associated infrastructure. This adjacent development is also a Taylor Wimpey development, and represents their 'phase 1' with this current application representing their 'phase 2'.
- 2.3 At present fields border the site to the north and north west, although as set out in 2.4 and 2.5 below, the Melton Mowbray Distributor Road is being constructed while other Local Plan designations exist adjacent to and adjoining the site.
- 2.4 The North East Melton Mowbray Distributor Road, (N&E MMDR), is currently under construction and crosses the site on a roughly east-west axis along the northern edge of the application site in an arc shape. The road cuts through the north east section of the site as it approaches the new roundabout which is under construction on Melton Spinney Road. Beyond the site to the south is Melton Mowbray as well as the Melton Country Park to the west.
- 2.5 The site is one of a number of sites allocated in the Melton Local Plan for development, but the MNSN as a whole represents approximately one third of the total housing allocations for the Plan Period (2011-2036) as demonstrated by the approved Masterplan.
- 2.6 To the immediate west of the application site is another MNSN Local Plan allocation where the applicant is Barwood Development Securities Ltd (21/00973/OUT for 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works). Beyond this and to the south-west of the Barwood site is the second allocation on which the applicants are William Davis (21/00989/OUT for 175 dwellings with associated landscaping, allotments, community orchard, play area, open space and infrastructure).

3 Planning History

- 3.1 The site forms part of an approved Masterplan for the Melton North Sustainable Neighbourhood, and is allocated within the Melton Local Plan for residential-led development. The Masterplan can be viewed online here: [Approved North SN Masterplan | localplan](#)
- 3.2 The site's planning history is limited to the following;
20/01232/EIA – EIA Screening Opinion Request (cumulative impacts) for Melton North Sustainable Neighbourhood (part), land between Scaford Road and Melton Spinney Road – EIA Not Required 27.11.2020

4 Proposal

- 4.1 The application seeks outline planning application (with all matters reserved apart from access) for construction of a residential-led mixed use development to provide up to 480 dwellings (market and affordable housing), potential land for an additional new primary school, open space, landscaping, new vehicular access points from Melton Spinney Road and adjacent consented Taylor Wimpey Development and associated infrastructure.
- 4.2 As part of the application a large number of documents and drawings have been provided. These include ecological reports and appraisals, contamination assessments, planning,

design and access statements, design code, transport assessments, landscape visual assessments, flood risk assessments, access drawings and indicative site layouts.

4.3 It should be noted that the indicative plan and landscape strategy plan submitted as part of the application are for indicative purposes only in showing how the site could be arranged to facilitate providing the various elements set out in the description of development.

4.4 Following the submission and in response to consultation reports, a viability appraisal has been provided by the applicant for assessment and consideration.

5 Amendments

5.1 Through the processing of the application, a number of additional and amended documents have been provided in respect of matters including highways and flooding.

5.2 As a result of the time period of which the application has been with the local planning authority pending various consultee comments, a Viability Appraisal has been submitted.

5.3 These matters are considered in full, later in this report.

6 Planning Policy

6.1 National Policy

6.1.1 National Planning Policy Framework (NPPF 2023)

6.1.2 National Planning Policy Guidance

6.2 Melton Local Plan

6.2.1 Policy SS1 – Presumption in Favour of Sustainable Development

6.2.2 Policy SS2 – Development Strategy

6.2.3 Policy SS5 – Melton Mowbray North Sustainable Neighbourhood

6.2.4 Policy C1(A) – Housing Allocations

6.2.5 Policy C2 – Housing Mix

6.2.6 Policy C3 – National Space Standards and Smaller Dwellings

6.2.7 Policy C4 – Affordable Housing

6.2.8 Policy C9 – Healthy Communities

6.2.9 Policy EN1 – Landscape

6.2.10 Policy EN2 – Biodiversity and Geology

6.2.11 Policy EN6 – Settlement Character

6.2.12 Policy EN7 – Open Space, Sport and Recreation

6.2.13 Policy EN8 – Climate Change

6.2.14 Policy EN9 – Ensuring Energy Efficiency and Low Carbon Development

6.2.15 Policy EN11 – Minimising the Risk of Flooding

6.2.16 Policy EN12 – Sustainable Drainage Systems

6.2.17 Policy EN13 – Heritage Assets

6.2.18 Policy IN1 – Melton Mowbray Transport Strategy

6.2.19 Policy IN2 – Transport, Accessibility and Parking

6.2.20 Policy IN3 – Infrastructure Contributions and Community Infrastructure Levy

6.2.21 Policy D1 – Raising the Standard of Design

6.3 **Neighbourhood Plan**

6.4 There is no Neighbourhood Plan for this area.

6.5 **Other**

6.5.1 Housing Mix and Affordable Housing SPD

6.5.2 Developer Contributions SPD

6.5.3 Melton North Sustainable Neighbourhood Masterplan (approved Oct, 2021)

6.6 **Heritage Legislation**

6.6.1 The Local Planning Authority has a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.

6.6.2 Paragraph 203 of the latest version of the NPPF published in December 2023 is also a significant material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.6.3 Paragraph 205 of the Framework further requires that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm would amount to substantial harm, total loss or less than substantial harm to its significance.

6.6.4 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 207 goes on to state that in cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.7 **Masterplan**

6.7.1 The overall area of land that comprises the Melton North Sustainable Neighbourhood is covered by a Masterplan document that was approved by the Council on 13th October 2021. An overarching report has been provided to the committee which sets out how the masterplan was prepared, and its status in determining planning applications.

6.7.2 Undertaken alongside the Design Code, it was prepared in collaboration between the various applicants on the planning applications alongside Leicestershire County Council and

Melton Borough Council with the intention of helping guide future planning applications for the site. It serves to provide an understanding of the characteristics and context of the site; a vision and set of development objectives that underpin future development; the principles of design, layout and infrastructure provision the developments are expected to deliver; a concept masterplan that provides visual representation of the aspirations of the development; and delivery and phasing strategy.

6.7.3 Given the clear interaction between this application and the two other outline applications being considered – 21/00989/OUT and 21/00973/OUT – it is important to ensure connectivity between the 3 planning applications given they all draw from the contents of the masterplan.

6.7.4 This approach supports and reflects the combined approach taken between the applicants, Melton Borough Council and Leicestershire County Council in the preparation and subsequent adopted of the masterplan by the Council. It also shows the positive commitment of all parties, as shown through the progression of the planning application, to work in order to address matters where they have arisen to ensure the development is capable of being supported.

7 Consultation Responses

7.1 **Summary of Technical Consultation Responses, for the full details of previous (historic) consultation responses please visit the website**

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R18CJAKOG4G00>

7.1.1 **NHS 29.06.2022**

- a) Request a financial contribution of £404,494.40 towards a second GP surgery in Melton Mowbray.
- b) The development is proposing up to 480 dwellings which, when based on the average occupancy of a practice dwelling of 2.42 would result in an increased patient population.
- c) This growth will increase patient growth by approximately 1161 patients. An increase in patient growth will create additional pressure on healthcare provision in Melton. Latham House is the largest GP practice for LLR CCGs and its list size continues to increase. Latham House is reaching a point where it will not be able to accommodate new registrations, and premises alterations/extensions are already underway to try and accommodate planned growth. S106 funding will be used to mitigate the impact of the development and make suitable healthcare adjustments at the time of the development.
- d) The contribution would go towards the provision of a second GP surgery in Melton.

7.1.2 **MBC Environmental Health**

- a) No objection subject to conditions.

7.1.3 **LCC Highways 29.11.2024**

- a) The LHA are aware from correspondence with the applicant and their transport team that they have been investigating options to provide a formal controlled crossing of the MMDR in lieu of the uncontrolled pedestrian refuge crossing that is currently proposed.
- b) As detailed in the formal observations this current provision is considered safe and suitable in line with local and national design standards. Notwithstanding this, it is acknowledged that the potential wider benefits to sustainable travel and access that

could be brought about by the enhanced provision of a signal controlled crossing in this location that the development team is happy to provide.

- c) LHA have confirmed our acceptance of the general principle of such a scheme with the development team and intend to follow up with a letter to Melton Borough Council confirming that we would not object to this provision were members minded to secure it through Planning Committee. LHA also understand that a drawing might be provided to MBC to table at Committee should this be helpful to share with Members.
- d) The current highway observations include a flexibly worded condition to secure a crossing over the MMDR and it is suggested this remains suitable to enable a final design to be submitted to discharge the planning condition at the relevant time.
- e) The LHA will however require the inclusion of an additional sum as a developer obligation to secure payment for a signal crossing, triggered upon commencement of development and would suggest this can be secured in the Section 106 Agreement.
- f) For information the passive provision of a signal crossing would be in the region of £20,000-£30,000.
- g) Given the timescales associated with the wider MMDR project there are efficiency savings to be had with collaborative delivery of stats and services which MMDR project colleagues are working closely with the developer to coordinate effectively. Whilst there is overlap with the details proposed under this planning application they principally relate to detailed construction matters and therefore I propose not to go into these whereby they risk confusing planning matters and as an Authority we are content to progress discussions directly with the developer.

7.1.4 LCC Highways 5.03.2024

- a) Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to conditions, informatives and planning obligations.
- b) The planning obligation contributions sought are as follows;
 - i) A contribution of £12,051 per dwelling towards strategic road improvements;
 - ii) A Passenger Transport Contribution of £1,715.59 per dwelling;
 - iii) Travel Packs to inform new residents from first occupation what sustainable travel choices are in the surrounding area that can be supplied by LCC at £52.85 per pack although if not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500;
 - iv) Six-month bus passes with two per dwelling 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 that can be supplied through LCC at (average) £510.00 per pass;
 - v) STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000; and

7.1.5 A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

7.1.6 LCC Archaeology 19.11.2021

a) No objection subject to conditions

7.1.7 LCC Contributions 14.11.2024

a) Up-dated response with the contributions being as follows having assessed the viability appraisal submitted by the applicants, contributions sought by way of Section 106 agreement have been amended as follows. Previous requests for waste, travel packs, bus passes, STARS, public transport strategy and Melton Mowbray library have all been removed.

MBC Priority Order	Service	Description	LCC's Full Request	% of Total LCC Ask	% Total of P1 and P2a Ask	LCC's Revised Request
1	Early Years	Brownlow Primary School	£748,924.80	4.48%	4.88%	£489,401.38
1	Education	Primary Education +2ha of land	£6,058,512.00	36.21%	39.51%	£3,959,067.91
1	Education	Secondary Education	£2,161,149.60	12.92%	14.09%	£1,412,250.74
1	Education	Post 16 Education	£309,232.00	1.85%	2.02%	£202,074.45
1	Education	SEND Education	£270,952.47	1.62%	1.77%	£177,059.85
1	Highways	Strategic Road Improvements (MMDR)	£5,784,480.00	34.57%	37.73%	£3,779,995.67
2c	Waste	Melton Mowbray HWRC	£39,676.80	0.24%		
2c	SST	Travel Packs	£25,368.00	0.15%		
2c	SST	Bus Passes	£489,600.00	2.93%		
2c	SST	STARS	£6,000.00	0.04%		
2c	SST	Public Transport Strategy	£500.00	0.00%		
3	Libraries	Melton Mowbray Library	£823,483.20	4.92%		
		Total	£16,732,373.77			£10,019,850.00

7.1.8 LCC Ecology 18.02.2022

a) No objections subject to conditions

7.1.9 LCC Forestry 18.11.2021

a) No objections subject to conditions.

7.1.10 Lead Local Flood Authority 23.01.2023

a) No objections subject to conditions.

b) Subsequent to the previous LLFA response the applicant has provided an amended Flood Risk Assessment that includes a new appendix. This contains network simulation results for the Phase 1 development which includes inflows from the Phase 2 development indexed to this planning application.

7.1.11 LCC Minerals Planning 15.11.2021

a) There are no objections from a minerals safeguarding perspective. It should also be noted that there are no concerns from a waste safeguarding perspective either.

7.1.12 Natural England 19.11.2021

a) No objection

7.1.13 Sports England 25.01.2022

- a) If your authority is confident that appropriate contributions/onsite facilities have been sought, with regard to Local Plan policy EN7, Sport England would not wish to pursue this matter.

7.1.14 Historic England 16.11.2021

- a) On the basis of the information available they offer no comments.

7.1.15 National Highways (previously Highways England) 28.01.2022

- a) Offer no objection to the proposal.
- b) Following a cumulative impact assessment on the 3 sites NH is satisfied that the trips generated by the proposed development(s), will have no adverse impact on the Strategic Road Network.

7.1.16 Designing Out Crime Officer 17.11.2021

- a) Recommend several informatives be attached to any approval.

7.2 Summary of Representations

7.2.1 Ward Member(s)

7.2.2 No representations or comments have been received from Ward Members.

7.2.3 Scalford Parish Council

- a) Although not in Scalford Parish the Parish Council is within Melton Mowbray as opposed to Thorpe Arnold Parish as stated which is misleading.
- b) The Parish Council understand the accepted principal of a bypass or distributor road is to limit further development outside its boundary. This application whilst some of the development is inside the boundary of the new distributor around 30% of the proposed properties are outside the boundary. The Council feel that this is not acceptable as it sets a precedent outside the boundary of the distributor road and will encourage further development in area that has already had a fair amount of development.

7.2.4 Summary of Neighbour comments received, for full details please visit the website

7.2.5 86 letters of objections have been received from 86 different addresses.

7.2.6 The grounds for objections are as follows;

- Inaccuracy with Melton Town Plan
- Not in accordance with preference survey undertaken
- Concern over highway/cycle/pedestrian safety
- Increase in traffic including HGV's
- No existing bus route
- Housing shouldn't be beyond MMDR
- Land should be considered for carbon offsetting
- Development should not commence until MMDR completed
- Lack of publication of application
- Detrimental impact upon Country Park and Wildlife
- No proposed wildlife corridor

- Monitoring required to ensure compliance of obligations and provision of service proposed
- Enough dwellings in this town already
- Doctors already at capacity
- Town needs improving before it is expanded again
- More services required Doctors, Dentists, Schools, shops and employment
- Not enough school places in the Borough
- Medical facilities have been reduced
- Location of facilities is not correct in documents
- Loss of green farming land
- Drainage concerns
- Amenity concerns (overlooking, noise, overshadowing)
- Increase of Council Tax
- Question the number of truly affordable houses
- Increased pollution
- What are the environmental improvements such as solar panels
- Wildlife buffer is not sufficient and should be increased as per previous developments
- Access Points to the Country Park are not as previously agreed
- Provision of Primary School is welcomed subject to consideration of light pollution

7.3 Response to Consultations and Representations

- 7.3.1 In respect of the location, numbers and principle of development, they will be considered and addressed below in the consideration of the application.
- 7.3.2 The number of dwellings proposed as part of this application form part of the larger number required to be provided over the adopted Local Plan period (2011-2036). The Council has committed to delivering this number of dwellings over the Plan Period.
- 7.3.3 As the submission is seeking outline permission with access at this stage, no specific details are provided on all other matters including the individual design and layout of the properties, landscaping and internal road layout, which would include cycle way provision within the site. This will form the content of the reserved matters when submitted should this application be approved. Leicestershire County Council, as the Highway Authority will respond in their highway comments in respect of internal road layout and cycle / pedestrian routes inside the site.
- 7.3.4 Within the local plan there are no policies that specify that the Melton Mowbray Distributor Road (MMDR) is to form the northern boundary of the development area and therefore prevent the location of housing, or other parts of the development, to the north of the MMDR. The allocation of housing sites through the local plan occurred before the final design of the MMDR was approved, which has resulted in a small development parcel of allocated land

being to the north of the road. This part of the site can accommodate around 120 homes, which is approximately 6% of the homes in the Melton North Sustainable Neighbourhood. The land is allocated for housing, and the design of the MMDR ensured that substantial government funding could be levered in to support its construction in advance of significant housing development coming forward in Melton.

- 7.3.5 The development will bring about large numbers of movements by a variety of transport modes. The developer undertook a full Transport Assessment which has been reviewed and assessed by the statutory consultee (LCC Highways Authority), Their responses are set out above at Section 7.1.3 of this report.
- 7.3.6 Comments have been made that the development should not commence until the new distributor road has been built. At present the application is only seeks outline permission with access, and there are a number of further consents that are required (through planning and other processes) prior to any dwellings being constructed. Any approval would need to be followed by reserved matters applications that would need to be consulted on, considered and determined, and it is highly likely that will cover a period of time which will allow for the road construction to conclude. The road is currently programmed to be open in Spring 2026. Furthermore, it should be noted that a condition requiring the road be completed before development commences would not meet the tests for conditions as it would not be considered to be reasonable or necessary according to the evidence.
- 7.3.7 Matters in respect of contributions relating to areas such as but not limited to education, highways, affordable housing provision and NHS contributions are presented and considered in detail below.
- 7.3.8 The publicity undertaken by the Council on this application has been in accordance with prescribed standards as set out in the adopted Statement of Community Involvement and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application was publicised by site notice(s), press notice and neighbour letters. The site also forms part of the larger allocation of the MNSN in the adopted Local Plan which had various stages of statutory public consultation, followed by an examination in public.
- 7.3.9 The indicative landscape plan shows the provision of various types of landscaping within the site as well as at site boundaries in certain locations. The carrying through of these areas of landscaping at reserved matters stages, if this outline is approved, would enable and facilitate the ecological connection with the adjacent Melton Country Park as well as adjacent areas of countryside.
- 7.3.10 With regards to highway matters, Leicestershire County Council is the statutory Highway Authority. They identify any relevant highway (roads and footpath) works necessary as part of the development in order to make the development proposed acceptable. They are the technical experts in reviewing, assessing and identifying highway related issues, and have provided their statutory responses to the information submitted by the applicant.
- 7.3.11 Should permission be granted, there will be a suite of planning conditions, and Section 106 planning obligations required to ensure that the impact of the development is mitigated. The development will be carried out in accordance with both conditions and legal agreement. Any requirements as a result of other legislation beyond which planning has control will also be expected to be undertaken.
- 7.3.12 As indicated in 7.3.2 above, the number of dwellings proposed on the site are justified to meet the commitments to housing delivery within the Council's adopted Local Plan. The Local Plan seeks to ensure at least 6125 homes are built during the Plan Period 2011-2036.

The MNSN will deliver at least 1500 dwellings towards this commitment (with this site contributing 480 of those homes), in addition to land that has been identified to deliver the Melton South Sustainable Neighbourhood (MSSN), and other allocations of housing sites across the Borough. The need exists in Melton Borough and this has been proven through the Local Plan Examination. Melton Mowbray is the most sustainable place for additional development, and the two sustainable neighbourhoods are best placed to deliver against this need.

- 7.3.13 Both LCC Ecology and Natural England were consulted on the application and have made comments on it with regards to the ecological aspects of the scheme. Their comments are set out earlier in the report and will be considered later on in the report in more detail.
- 7.3.14 The location of this site, along with the other two that form the remaining part of the Melton North Sustainable Neighbourhood, are located on the edge of the town where access to services is greater than would be if there were located elsewhere in the Borough. They therefore have access to greater facilities, amenities and infrastructure than could otherwise be the case (the MNSN allocation between Nottingham Road and Scalford Road already has planning consent in place).
- 7.3.15 In respect of carbon offsetting, the site is allocated for development in the Local Plan. There is no requirement for developers to undertake specific carbon offsetting, however the Building Regulations require that the development is built in accordance with the regulations that are in place at the time of the development. Building Regulations seek to ensure that developments are constructed to minimise energy consumption, have sufficient ventilation, mitigate for overheating and provide electric vehicle charge points etc. This can include the provision of solar panels, and also ensuring high levels of insulation. Building Regulations are updated by government on a relatively regular basis, and these will ensure that the properties are built to the highest standards.
- 7.3.16 A number of consultees have requested contributions which (notwithstanding any viability issues) would go towards the improvement and enhancement of areas such as primary care, education facilities, as well as enhancements to the road network (such as the MMDR) to mitigate the impacts of the development.
- 7.3.17 In respect of drainage, flooding and highways (including traffic and parking), the relevant consultees were consulted, and have commented as summarised above. Their comments will be assessed in due course as part of the Planning Analysis in Section 8 of this report.
- 7.3.18 The local highway authority (LCC) have assessed the application and have concluded that there is no safety need for a light controlled pedestrian crossing, however, having reviewed the situation in respect of supporting sustainable travel options they have concluded that a signalised pedestrian crossing could be provided if the Council considers it necessary to improve and promote sustainable travel options, and to mitigate the impacts of the development. The cost of this approach is in the region of £20-£30k as stated above at paragraph 7.1.3 and the provision could be secured within the S106 agreement should planning permission be granted. At the present time a formal pedestrian crossing is provided by way of a pedestrian refuge to allow pedestrians to cross the road in two stages, only crossing one direction of traffic at a time. This has been approved through the planning approval of the MMDR North and East (currently under construction). As the MMDR is in a cutting at this particular point an underpass would not be possible, and a light controlled pedestrian crossing is considered the most suitable type of crossing in the circumstances.
- 7.3.19 Areas of concern relating overlooking and overshadowing will be assessed fully at the reserved matters stage given that this seeks outline permission for the principle of

development with access only. In terms of noise, para 7.1.2 above sets out the MBC Environmental Health comments regarding noise and to this effect, a condition has been suggested at 10.23 which would deal with this matter.

- 7.3.20 Council tax is not a matter that can be dealt with as part of planning applications.
- 7.3.21 The application is recommended for approval, and details of recommended conditions can be found at Section 10 of this report. The conditions set out in section 10 are in order to ensure that where impacts exist resulting from the development, they can be addressed in an appropriate manner which includes ensuring no adverse impacts on amenities.
- 7.3.22 The number of dwellings proposed would result in increased vehicular movements and therefore it is likely that there would be increased pollution levels through these vehicle movements (which would be mitigated to a degree by the government's move towards electric vehicles). The comprehensive masterplan of the site does however seek to reduce vehicle movements, by ensuring a network of walkable paths to provide access to necessary services and recreation. The site is allocated in the Local Plan for the uses proposed, and whilst it is accepted that there may be an increase in pollution it is not considered sufficient to justify a refusal on planning grounds. Additionally, the dwellings would be built to the latest building regulation requirements ensuring that they are energy efficient and have the latest renewable energy systems installed.
- 7.3.23 The outline nature of the development is such that no specific details have been provided in respect of environmental and sustainability measures to be incorporated into the development should permission be granted. A condition could potentially be attached to any approval requiring details be provided at reserved matters stage(s) should the decision maker consider that it is both reasonable and necessary to do so.
- 7.3.24 In respect of the development contributing to locals being priced out of buying a local house, this is something that is outside and beyond the remit, powers and controls of the planning system.

8 Planning Analysis

8.1 Main Considerations

- Principle of development
- Highways
- Housing mix and space standards
- Ability of the site to accommodate the development
- Flooding and drainage
- Heritage Inc. archaeology
- Ecology, trees and hedgerows
- Sports Provision
- Impact on amenities
- Contributions and Viability
- Planning Balance

8.2 Principle of Development

- 8.2.1 Policies SS1 and SS2 of the Melton Local Plan seek to ensure that development is situated in appropriate locations and in a manner that reflects and supports sustainable development within the Borough.
- 8.2.2 The provisions of policy SS1 set out 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. 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.”
- 8.2.3 Following on from this, policy SS2 provides details on the delivery of housing within the Borough across the life of the Local Plan and within the policy provisions it details:
- “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.”
- 8.2.4 While the application site itself is not located within the existing Melton Mowbray built up area, which is the most sustainable location within the Borough, it is situated immediately adjacent to its boundary. Given the need to deliver significant numbers of dwellings in order to meet the identified housing need, the development of Sustainable Neighbourhoods in strategic locations to the north and south of the town is key to this objective being met.
- 8.2.5 Resultantly, the provisions of policy SS5 – Melton Mowbray North Sustainable Neighbourhood – are key to achieving housing targets and delivery, and providing a comprehensive planned development that integrates well to the town. The policy sets out the requirements across the entire sustainable neighbourhood including at least 1500 homes of which 15% should be affordable subject to viability, a range of tenure, types and sizes as per the provision of policy C2 alongside extra care housing. These are alongside small scale employment, community facilities in the form of a primary school, financial contributions and an accessible local centre including shops and offices as well as transport improvements, heritage asset protection and environmental improvements.
- 8.2.6 In association with the provisions of these policies, policy C1 (a) sets out housing allocations across the Borough. The first allocation is the Melton North Sustainable Neighbourhood (MNSN) with a capacity of at least 1500 dwellings. This application site forms part of the MNSN site with the 480 houses proposed as part of this scheme contributing to the overall target.
- 8.2.7 From these policies it can be seen that whilst the site is not inside the Melton Mowbray boundary, it is immediately adjacent to it and is designated for a mix of uses with the primary use being housing. Furthermore, it forms part of a larger designation that will contribute at least 1500 dwellings alongside other uses and infrastructure. This carries significant weight

in determination of planning applications in terms of the delivery of housing, other uses and associated infrastructure.

- 8.2.8 This larger designation was assessed as part of the Local Plan Examination In Public in 2018 where the Inspector found it to be an acceptable policy, as it is a site specific policy designed to ensure the delivery of a large proportion of the Borough's identified housing need. Alongside this, it was established to be a sustainable location due to it being sited immediately adjacent to the built up Melton Mowbray area which provides the full range of services and facilities that can be expected to be found in a sustainable area including health care, shops, services and transport links. The sites were assessed through a Sustainability Appraisal and a [Large Sites Assessment Report](#).
- 8.2.9 On the basis of the above, the development is considered to be acceptable in principle. It therefore complies with the provisions of Local Plan policies SS1, SS2, SS5 and C1 (a) alongside the provisions of the NPPF.

8.3 Highways

- 8.3.1 Policy SS5 of the Melton Local Plan relates specifically to the application site as part of the larger allocation while policy IN2 also relates to all developments in respect of transport, sections t1 and t2 deal with matters specific to highway provisions within the context of the overarching aims of policy SS5.
- 8.3.2 Within policy SS5, t1 and t2 set out details regarding a comprehensive package of transport improvements (including a strategic road link as part of a wider scheme, provision of new walking and cycling links, and mitigation measures), and seeking a modal shift away from cars respectively.
- 8.3.3 Turning to policy IN2, this sets out that the Council and its delivery partners will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport. It continues by setting out that all new developments should, where possible, have regard to a number of factors including being located where travel can be minimised and the use of sustainable transport modes maximised, do not unacceptably impact upon the safety or movement of traffic on the highway network and have sufficient parking provision.
- 8.3.4 As set out in paragraph 2.4 above the Melton Mowbray Distributor Road (MMDR) is being constructed to the north and adjacent to the application site whilst running in an east-west arc. The road is being constructed in order to enable the developments proposed here in the MNSN, and to reduce the volume of through traffic in Melton Mowbray town centre.
- 8.3.5 A Transport Assessment (TA) and access plans were submitted as part of the planning application along with a number of other documents including a Travel Plan, a Design and Access Statement (which includes a concept masterplan), Design Code and a Development Framework Plan. Both the concept masterplan and Development Framework Plan comply with the approved comprehensive Masterplan.
- 8.3.6 These collectively, and along with the other documents submitted including amended documents provided, serve to set out the development and its potential impact on the highway network as well as pedestrian links. Due to the nature of these both Highways England (now National Highways) and LCC Highways as the local highway authority were consulted.

- 8.3.7 National Highways responded and offered no objection to the proposal. In their response they set out that following a cumulative impact assessment on the 3 sites (the application site and the two adjacent other allocated sites) they are satisfied that the trips generated by the proposed development(s), will have no adverse impact on the Strategic Road Network (SRN).
- 8.3.8 Leicestershire County Council, as the local highway authority, commented that the application forms one of three outline planning applications submitted that form part of the Melton North Sustainable Neighbourhood (MNSN) They also noted that there are two previous applications on which planning permission have been granted to the west of these sites. Situated between A606 Nottingham Road and Scalford Road, applications 18/00359/OUT and 18/00769/OUT permitted the development of up to 800 dwellings alongside a new primary school, retail and office space as well as open space and associated infrastructure. On the basis of these collective points the highway implications of the development were assessed.
- 8.3.9 LCC comment that the submitted Transport Assessment (TA) was modelled appropriately and that they are content that safe and suitable access is proposed. This takes account of the development itself as well as taking account of the other developments that form part of the larger development area and allocated land to provide the sustainable neighbourhood.
- 8.3.10 With regards to the submitted TA, it is highlighted that the traffic impact of the development proposals, in combination with the two other developments (21/00989/OUT and 21/00973/OUT) in this part of the Melton North Sustainable Neighbourhood (MNSN) site, has been modelled through use of a microsimulation model developed to assess the impact of the MNSN. LCC continue that the results of the modelling indicate that the opening of the Melton Mowbray Distributor Road (MMDR) significantly improves traffic flows and journey times along Scalford Road during the peak periods. The modelling also indicated that the combined development traffic on traffic flows and journey times along Scalford Road is negligible in the 2036 future year with construction of the full MMDR. Accordingly, the Highway Authority comment that the provision of the full MMDR, which this development is expected to contribute towards will mitigate the traffic impact of the development.
- 8.3.11 Within their response the Highway Authority acknowledge that the internal layout, shown on the indicative plan provided, will form part of the reserved matters and is therefore not for consideration as part of this application. Notwithstanding this they highlight the need to ensure parking standards are met as part of the reserved matters application(s) including setting out parking standards and space sizes.
- 8.3.12 It can be seen from the comments received from both National Highways and the Highway Authority that as highway specialists they are satisfied the proposal will have no adverse or detrimental impacts on the highway network, and the impact of the development both on its own and when assessed cumulatively is acceptable.
- 8.3.13 There is a clear, unambiguous indication that the proposed access is acceptable from a highway perspective that would, through the reserved matters stage, enable the site to be developed for the purposes proposed.
- 8.3.14 On the basis that there is no objection from National Highways or the local highway authority (subject to conditions, informatives and financial contributions through a Section 106 legal agreement), the development would not result in any unacceptable highway or pedestrian implications. It is therefore considered that the proposal is acceptable on highway grounds and complies with the provisions of policy IN2 as well as t1 and t2 within policy SS5.

8.4 Housing Mix and Space Standards

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to *'manage the delivery of a mix of house types, tenures 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 8 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'*
- 8.4.3 The application form submitted details that the number of bedrooms per dwelling are at present unknown. This is due to the outline nature of the application. While the Viability Appraisal provided is based on a number of assumptions relating to dwelling size, specific numbers of bedrooms are not known at this stage.
- 8.4.4 As set out in 8.4.2 above, the purpose of Local Plan policy C2 is to ensure a housing mix across developments that is reflective of the prevailing needs at the time of applications being submitted and determined. As this current application seeks only outline permission for the development, officers consider it reasonable to attach a condition to any approval relating to the submission and agreement of the housing mix prior to the submission of any reserved matters application for the dwellings. Such a condition will ensure that the housing mix is agreed based on what is identified at the point in time the details are provided to then be used in the subsequent reserved matters application(s).
- 8.4.5 Turning to the size of the dwellings to form part of the proposal through reserved matters submissions, assuming an approval is issued on this outline application, Local Plan policy C3 details that;
- 'Residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms. For affordable 60 Melton Local Plan, October 2018 Chapter 5: Melton's Communities housing, schemes using the Housing Quality Indicators standards will be supported.'*
- 8.4.6 As all matters have been reserved within this application, no details are available with regards to the sizes of the dwellings proposed. Officers do not consider this to be an insurmountable issue as a condition can be attached to any approval requiring the dwellings meet or exceed the size standards contained within this policy. Such an approach would provide the developers with the standards to be used in the dwellings to be built and therefore ensure future owners and occupiers of the dwellings benefit from dwellings of sizes that are considered to be acceptable.
- 8.4.7 On the basis that the imposition of conditions will enable the housing mix to be agreed and space standards to be met, officers are satisfied the requirements of Local Plan policies C2 and C3 will be complied with.

8.5 **Ability of the site to accommodate the development**

- 8.5.1 The provision of Local Plan policies EN1, EN6 and D1 are relevant in the assessment of the site's ability to accommodate the development proposed.

- 8.5.2 Policy EN1 relates to landscaping and seeks, amongst other things that new developments need to respect existing landscape character and features. Additionally, proposals will be supported where they do not have adverse impacts on features including trees and hedgerows.
- 8.5.3 Turning to policy EN6, which relates to settlement character, it sets out that development proposals will be supported where they contribute to the character of a settlement, amongst other things.
- 8.5.4 In respect of policy D1, relating to raising the standard of design, it is detailed that developments will be assessed against a number of criteria including siting and layout being sympathetic to the character of the area, amenity of neighbours and neighbouring properties should not be compromised, adequate provision is made for parking spaces and that existing trees and hedgerows should be utilised to negate the effects of the development.
- 8.5.5 Furthermore, the provisions of policy C9 on healthy communities are considered relevant. This policy sets out that new developments should make positive contributions towards a number of different promoters of health and wellbeing including good quality green, public space, sports and recreational facilities, safe, convenient and attractive footpaths and roads including cycleways, and 'healthy homes' which have good natural light, decent space (internal and external) and are adaptable.
- 8.5.6 The Design and Access Statement (which includes a concept masterplan), Design Code and a Development Framework Plan were all submitted as part of the application. Collectively these documents seek to show that the site is capable of accommodating the development proposed through the use of the illustrative master plan and visual impacts associated with that.
- 8.5.7 Within the Design and Access Statement (D&AS) the site characteristics are set out alongside the application's interaction with the 2 other allocated sites in the Melton North Sustainable Neighbourhood (MNSN). Reference and links within the Design Code are also made, with the Design Code setting out further details and parameters for the development proposed. Page 20 of the Design and Access Statement includes an indicative plan showing the 3 allocated sites in the MNSN within which potential locations of the various elements that make up the neighbourhood including housing, open space, main road, pedestrian links, primary school and recreational areas.
- 8.5.8 The D&AS sets out that of the 23.51 hectares that form the whole site, 13.68 hectares will be used to provide the residential dwellings, 2 hectares for a potential primary school and 6.07 hectares for green infrastructure. The remaining area will provide for infrastructure associated with the development. Page 43 of the D&AS includes an indicative layout of how the site could be developed to accommodate the various elements that form part of the outline permission with the following pages setting out details in respect of the highway arrangements, green edges and open spaces.
- 8.5.9 The Design Code submitted as part of the scheme has a number of sections including illustrative streetscene character frontages, highway design matrix, key character areas, landscape design matrix and detailed design guidance. This design code is the same as submitted on the other two outline applications for the MNSN, reflecting the comprehensive and considered masterplan of the site. It sets these as follows;
- a) Illustrative Streetscape Character Frontages Plan with a series of site wide design instructions based on the key character frontages of different street typologies with these supported by a highway matrix design;

- b) Detailed design guidance in relation to the four 'character' frontages;
 - c) Followed by design guidance in relation to the seven 'character' areas identified on the Key Character Areas Plan; and
 - d) Open space and detailed guidance with regards to external appearance, children's play provision, designing out crime, access for all in the public realm, sustainable construction, SuDs strategy and levels.
- 8.5.10 Both the Design Code and the Design and Access Statement have been used to develop the illustrative site layout as well as the visual impacts drawing.
- 8.5.11 The illustrative plan shows vehicular, pedestrian and cycle connections between the application site and both adjacent sites with one of these being another allocated site that is part of the MNSN while the other is a site on which permission already exists on which work has commenced. It also shows the illustrative location of the dwellings that form part of the development as well as locations of the primary school, sustainable urban drainage features, play areas and landscaping (existing and proposed).
- 8.5.12 This illustrative plan shows that the site can accommodate the various elements that together form the development proposed. Within the context of the wider development of the MNSN (based on the Local Plan allocated sites adjacent to this application site) connections are shown to ensure connectivity in and amongst these developments. There are also connections between the site and the adjacent designated areas such as the Melton Country Park that would contribute to good connectivity in the wider area and afford enhanced recreational opportunities to the new residents.
- 8.5.13 The dwellings are arranged in a manner around the illustrative road layout that shows the number of dwellings proposed are capable of being provided on the site. Furthermore, it appears as though the dwellings are capable of being provided with good levels of private amenity space and the necessary parking provision.
- 8.5.14 As part of the submission a landscape and visual assessment has been provided.
- 8.5.15 An assessment of the submitted documents, including indicative illustrative plans, show that the site is capable of accommodating the various elements for which planning permission is sought. Furthermore, this can be done in a manner that does not unduly impact upon the adjacent allocated sites nor the other surrounding and adjacent areas.
- 8.5.16 It should be noted that the submitted layout plan of the site is illustrative purposes only and is only intended to show the site is capable of accommodating the development proposed along with the other infrastructure. No weight can be given to this layout being the final layout should outline permission be granted.
- 8.5.17 Overall officers consider that the submitted details set out good parameters for the development of the site as contained within the Design Code as well the Design and Access Statement on areas such as building heights, orientations, road provision and arrangement, and landscaping. Furthermore, the indicative site masterplan clearly establishes that based on the description of development, the site is of a size and scale that can accommodate the scheme in a manner that would not impact upon or prejudice the adjacent allocated sites, existing built up area or open countryside.
- 8.5.18 It is therefore considered that the proposal complies with the provisions of the NPPF as well as Local Plan policies EN1, EN6, C9 and D1.

8.6 Flooding and Drainage

- 8.6.1 As part of the application a number of flooding and drainage related documents were submitted. These were then added to with additional documents and reports following further discussions / requirements from the Lead Local Flood Authority.
- 8.6.2 The site is located within Flood Zone 1 being at the lowest risk of fluvial flooding. According to the Risk of Flooding from Surface Water Map there is a vein of 'high risk of pluvial flooding' running north to south through the site, indicating a surface water flow path or ditch/unnamed ordinary watercourse on the site.
- 8.6.3 Within the Local Plan the provisions of policies EN11 on Minimising the Risk of Flooding and EN12 on Sustainable Drainage Systems are both relevant alongside the contents of the NPPF.
- 8.6.4 Policy EN11 sets out that the Council will ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others through its working in partnership with the appropriate agencies (the Environment Agency, Leicestershire County Council as Lead Local Flood Authority, Internal Drainage Boards, Severn Trent & Anglian Water and the Canal and River Trust), developers and landowners.
- 8.6.5 The provisions of policy EN12 set that 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.
- 8.6.6 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) were consulted on the application.
- 8.6.7 No response was received from the Environment Agency on the application, but a response was not expected as the site is in Flood Zone 1.
- 8.6.8 Within the initial and second responses from the Lead Local Flood Authority (LLFA) they detailed that further information was required which was duly put to the applicant / agent and provided resulting in re-consultations being undertaken.
- 8.6.9 Their final comments detail that the site is proposed to be split into 5 sub-catchments labelled A to E each with their own attenuation basin. It has been explained that sub-catchment A will outfall to an ordinary watercourse to the east and is regarded as a separate site due to the MMDR layout intersecting it from the rest of the development. For sub-catchments B, C and E it is shown that surface water drainage will all drain to a single Severn Trent Water sewer receptor. Sub-catchment D is also shown to discharge to a STW sewer in a separate location.
- 8.6.10 They continue that subsequent to the previous LLFA response the applicant has provided an amended Flood Risk Assessment that includes a new appendix. This contains network simulation results for the Phase 1 development which includes inflows from the Phase 2 development indexed to this planning application. Also provided is a condition survey of the neighbouring culvert as requested and clarification of the impermeable areas for each sub-catchment.
- 8.6.11 On the basis of these comments the LLFA were satisfied that the proposal would not result in any adverse or detrimental impacts, subject to the imposition of a number of conditions and informatives on any approval.

- 8.6.12 The up-dated and additional documents in response to the LLFA comments show that the Council has sought to ensure the proposal will not impact upon increased flooding having actively sought to obtain the additional information identified by the LLFA as being required. Further, through the information obtained and conditions requested by the LLFA to be attached to any approval it has been established that means to address SuDs have been undertaken.
- 8.6.13 From this technical consultee responses relating to flooding and drainage, it can be seen that the proposal would not result in any adverse or detrimental impacts upon both flooding and drainage. It is therefore considered that the proposal complies with the requirements of EN8, EN11 and EN12 of the Melton Local Plan as well as provisions of the NPPF.

8.7 Heritage including archaeology

- 8.7.1 With regards to heritage, the provisions of Local Plan policy EN13 are relevant with the policy setting out that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through a number of ways. This includes seeking to ensure the protection and enhancement of heritage assets when considering proposals and seeking to ensure new developments make a positive contribution to the character and distinctiveness of the area.
- 8.7.2 As part of the submission, a Heritage and Archaeological Statement has been provided setting out a good level of information and detail on heritage matter beyond the subject being that covered in other submitted documents.
- 8.7.3 In summary the report sets out that the archaeological potential of the development site and the significance of heritage assets within the site has been assessed through desk-based review of existing archaeological information, including previous archaeological work undertaken on and in the vicinity of the study site. There are no Scheduled Monuments within the proposed development site although there is a Scheduled Monument, a moated site north of Spinney Farm (NHLE Reference 1014391, HER MLE3989), located c.500 north-west of the study site and there are seven Listed Buildings within the surrounding area. The HER contains one non-designated heritage asset within the study site; a Bronze Age flint arrowhead (MLE6388) was found in the 1980s in the southern part of the study site and the archaeological potential is considered low.
- 8.7.4 A Geophysical Survey carried out across the site in support of the current application identified no evidence indicative of archaeological activity. The potential for significant archaeological remains of all periods is considered to be low. Any surviving remains are likely to be of local interest and would be significant for their archaeological interest and potential to contribute to local and regional research agendas. The report concludes that due to the low archaeological potential identified on this site there are no fundamental archaeological constraints to development on the site.
- 8.7.5 In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the Planning Authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals. Under the provisions of the NPPF as well as the Planning (Listed Building and Conservation Areas) Act 1990, the local planning authority has a statutory duty to have special regards to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.

- 8.7.6 Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, Local Planning Authorities (LPAs) should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.7.7 NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
- 8.7.8 In order to ensure these were fully assessed, both Historic England as well as LCC Archaeology were consulted.
- 8.7.9 Historic England have commented that on the basis of the submitted information they had no comments to make.
- 8.7.10 LCC Archaeology advised that they welcomed the desk-based assessment and agree with its conclusion and our previous pre-application advice. They continue that the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.
- 8.7.11 In the context of para 8.6.6 above LCC Archaeology advise that if the application is recommended for approval then it should be subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.
- 8.7.12 The submitted documents clearly identify that while there are no statutorily listed buildings or scheduled ancient monuments on the application site, there are historic remains that are of significance. As such the provisions of Melton Local Plan policy EN18 is relevant alongside the provisions of the NPPF.
- 8.7.13 Section 16 of the NPPF relates to the conservation and enhancement of the historic environment, with paragraphs 200 to 204 relating to developments affecting heritage assets while paragraphs 205 to 214 are in respect of considering potential impacts. They seek to assess the significance of any heritage assets that may be affected by a proposal taking account of the desirability of sustaining and enhancing their significance, the positive contributions they can make to sustainable communities and the desirability of new developments making a positive contribution to local character and distinctiveness. They also address the consideration of the level of significance of assets including those which are not designated.
- 8.7.14 The reports submitted as part of the application identify matters in respect of designated assets outside of the site as well as a non-designated asset in the site. While Historic England did not wish to comment, LCC Archaeology acknowledged their significance before commenting that the impacts of the development on these non-designated asset can be mitigated by way or a condition requiring further investigation and reports on these investigations being provided. Such an approach will ensure appropriate recording of them in a manner then enables their availability for understanding the area further in moving forward.

8.7.15 It is therefore considered that the harm of the development will be less than substantial with the scheme ensuring a combination of retention and recording of these assets so that they will, on balance, represent and result in positive impacts. The proposal therefore complies with the provisions of the NPPF as well as policy EN13 of the Local Plan.

8.8 Ecology, Trees and Hedgerows

8.8.1 As set out in paragraph 2.1 above, the site is located immediately adjacent to Melton Country Park. The application site currently comprises an agricultural field with hedgerows and trees at a various locations throughout and in the wider surrounding area to the north, east and west although the land to the west is also allocated in the Local Plan as development sites that collectively form the Melton Mowbray North Sustainable Neighbourhood.

8.8.2 The provisions of the NPPF are relevant as well as policies EN1 (landscape) and EN2 (biodiversity and ecology).

8.8.3 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment including ecology with paragraphs 185 to 188 inclusive relating specifically to habitats and biodiversity. They set out overarching provisions for the conservation and enhancement of ecology and habitats.

8.8.4 Policy EN1 relates to landscaping and sets out that new developments be conserved and enhanced by various means including respecting important trees, hedgerows, watercourses and are also sensitive to the sites location including character and appearance.

8.8.5 Ecology is specifically addressed in policy EN2 which sets out that the Council will seek net gains for nature, proactively seeking habitat creation while protecting and enhancing existing ecology including contribution to the provision of coherent wildlife networks and creating new habitats while also promoting the preservation, restoration and re-creation of UK priority species.

8.8.6 A number of ecological documents were submitted as part of the application including a Biodiversity Net Gain (BNG) assessment, ecology appraisal, landscape and visual assessment and tree survey. These set out the ecological assessments and implications on the site.

8.8.7 LCC Forestry have assessed the proposal and are satisfied that the proposal will not be unacceptable.

8.8.8 Natural England has commented that based on the plans submitted, and consider that the proposed development will not have significant adverse impacts on designated sites and therefore has no objection.

8.8.9 LCC Ecology have, in their final consultation response (following a number of discussions having taken place), commented that the Ecological Appraisal report (EDP, October 2021) is satisfactory. They are also in agreement with Natural England's comments regarding biodiversity net gain (BNG). Although a new BNG Metric (3.0) was released by DEFRA in July, LCC Ecology will accept the Metric 2.0 that has been used for this development.

8.8.10 It should be noted that the application was submitted prior to the formal, statutory requirements that developments result in at least 10% BNG. As such there is no requirement for any BNG works to be undertaken in association with the development.

- 8.8.11 The existing use of the site alongside the neighbouring and surrounding agricultural land uses are such that there are a number of ecological species and habitats in existence close to the site. Due to the nature of the development proposed, there will be a direct impact on ecology, trees and hedgerows.
- 8.8.12 From the comments received from the technical consultees as set out in the paragraphs above it can be seen that the implications have been thoroughly assessed by the relevant technical consultees. From these responses, it can also be seen that they are all satisfied that the ecological implications of the development can be mitigated and addressed both thoroughly and appropriately by way of conditions. LCC Forestry have requested a condition which is noted, and it is considered appropriate to attach a further condition to any approval requiring the a tree and hedgerow survey be provided that includes plans identifying all of the trees and hedgerows on the site as well as those to be retained along with details of the means of protection. Such a condition would ensure these features are fully taken into account at the reserved matters stage, then protected in a manner that ensures those that do remain and protected.
- 8.8.13 The site is in close proximity to Melton Country Park (towards which contributions are proposed through the other two outline applications being considered). These contributions are to improve the area in respect of Biodiversity Net Gain policy, because those specific sites do not increase the BNG on site. In the context of the application to which this report relates, no contributions are proposed to be made to the Country Park as the site is providing a 2.64% biodiversity net gain. Additionally, this site provides the 2ha site for the provision of the primary school that serves the other two sites to the west, further impacting upon the viability of the development. Therefore, further financial contributions for the country park (or indeed any other infrastructure) would result in the development being unviable and therefore unable to be supported. In the planning balance, the omission of a modest contribution to the country park is not considered unacceptable, particularly given the proposal provides an on-site biodiversity net gain.
- 8.8.14 While the application is only at outline stage in this application, the technical details provided along with the illustrative details show that there are good levels of protection of sections of existing ecological habitat along with provision of areas capable of adding to the ecology in the area. These would be in addition to the enhancement of existing ecological and landscaping features in the site. As such it is evident that the scheme would, subject to the imposition of conditions on any approval, ensure not only the protection of existing ecological species and features but also positive enhancement to both protected species and their habitats.
- 8.8.15 By virtue of the nature of the scheme and the elements that comprise the proposed development, there will be an impact on the character and appearance of the area and the landscaping of the area. However, the improvements and enhancement set out and discussed in this section result and contribute to the proposals compliance with not only the NPPF but both policies EN1 and EN2 of the Melton Local Plan.

8.9 Sports Provision

- 8.9.1 The development includes reference to sports / recreational provisions on site while the site is also situated in proximity to the indicative location of sports pitches and the community hall / changing room pavilion on the adjacent MNSN site (Barwood, ref 21/00973/OUT). Therefore, the provisions of policy EN7 on open space, sport and recreation are relevant.

- 8.9.2 This policy sets out that ‘Where there are identified local deficiencies in the quantity, accessibility and/or quality of open space, sports and recreational facilities, new residential development of 10 dwellings or more will be required to contribute towards their provision and/or enhancement, in accordance with the table below, subject to viability considerations.’ It continues that with regards to specific requirements being provided in certain areas with partners none of which include this application site.
- 8.9.3 Details of the Sport England consultee responses are set out in Section 7, where following initial comments and subsequent discussions, they have no objections and understand that facilities for sport have been identified in the ‘Melton North Sustainable Neighbourhood Master Plan September 2021’ and therefore this matter is resolved, with no opportunity (or requirement) for further onsite provision or offsite contributions.
- 8.9.4 Within the Melton North Sustainable Neighbourhood Master Plan an area of space is shown to the eastern end (albeit to the west of this site) of the illustrative master plan where a large sports pitch is indicated alongside an open area and a couple of other smaller sports pitches. All of these are shown as being situated adjacent to the sports pavilion / community hall and parking to be associated with them.
- 8.9.5 As already mentioned earlier in this report, the illustrative masterplan is as its title suggests for illustrative purposes only. Nonetheless, it still serves to show that sports pitches and sports pavilion / community hall are able to be provided as part of the larger scheme on the neighbouring site, with associated parking spaces.
- 8.9.6 In the context of the adopted policy, the approved masterplan is sufficient to demonstrate that the sports pitches, and the community hall / sports pavilion would be provided on the adjacent site. In a similar way to the adjacent applications (references 21/00989/OUT and 21/00973/OUT) relying on this application site for the provision of the primary school, this site relies on the others for the provision of other infrastructure required by the policy.
- 8.9.7 As such it is considered that the provisions of policy EN7 have been met.

8.10 **Impact on residential amenity**

- 8.10.1 Although all matters are reserved in this application except access, and as explained earlier in this report, there is a need to ensure that the site can accommodate the development proposed in an acceptable manner and without adverse or detrimental impact on existing or proposed amenities. In this context the provisions of policy D1 on raising the standard of design are relevant. The policy covers a number of areas where developments are expected to comply with, and where point D specifically seeks to ensure the amenities of neighbours and neighbouring properties should not be compromised.
- 8.10.2 While the illustrative site masterplan is for illustrative purposes only and no definitive weight can be attached to it, it serves to indicate whether the site can accommodate the development in its entirety and whether or not there could be undue impacts on residential amenity. The submitted Design Code also addresses these matters.
- 8.10.3 The matter of whether or not the site is capable of accommodating the development has been addressed above in Section 8.4 which found that the site is considered capable of accommodating that for which permission is sought.
- 8.10.4 Based on the illustrative masterplan showing a potential site layout, the location of internal roads, buildings and open spaces can be seen. From this the interactions between the

various elements within the site can be considered, alongside the interactions of the proposal with adjacent and surrounding uses.

- 8.10.5 Having reviewed these details, officers are of the opinion that the various elements can be positioned in a manner that will afford the dwellings good levels of private amenity space and parking while not impacting on the amenities the future occupiers could expect to enjoy. Further, the constituent elements could be positioned in a manner that also does not impact upon other existing and proposed buildings and uses in an unacceptable manner.
- 8.10.6 As such the proposal complies with the requirements of the NPPF as well as local plan policies EN1, EN6 and D1 in respect of protecting the environments and not adversely impacting upon amenity.

8.11 Contributions and Viability

- 8.11.1 Policies SS5, C1 (a), C4 and IN3 of the Melton Local Plan all make reference to contributions being required on developments of 10 dwellings or more. These local plan policies are also to read in conjunction with the Developer Contributions SPD dated September 2021.
- 8.11.2 The Developer Contributions SPD sets out Melton Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the Borough. It provides guidance to Policy IN3 of the Melton Local Plan and works towards achieving the Council's corporate priority of delivering sustainable and inclusive growth in Melton. Further, the SPD supports delivery of the key infrastructure associated with sustainable growth and to assist Leicestershire County Council to facilitate the Melton Mowbray Distributor Road (MMDR) which is central to this objective.
- 8.11.3 Table 1 on pages 12 and 13 of the SPD sets out the prioritisation of infrastructure in association with the provisions of policy IN3 and breaks the contributions down into five priority areas with these being Priorities 1, 2A, 2B, 2C and 3 where priority 1 is the most important.
- 8.11.4 Within the technical consultee responses in Section 7, details can be seen of the contributions sought from the various consultees, including the progression of the amounts sought to take account of the passage of time from submission to presentation of this report to the Planning Committee.
- 8.11.5 As can be seen from Section 7 financial contributions have been requested Leicestershire County Council towards highways, education, libraries and civic amenities of varying amounts. Requests have also been received from the NHS for primary care. The amounts sought have increased over the duration the application has been under consideration with the LPA and over which it has been worked on. These contributions are in addition to the policy requirement of 15% affordable housing, as set out in Local Plan policy SS5 to cover the larger MNSN site.
- 8.11.6 The increase in contributions sought has been as a result of increases in costs associated with the build costs to deliver the MMDR North and East, general build costs, interest rates and inflation which are beyond the control of the LPA, County Council, developers and agents.
- 8.11.7 Based on the revised contribution requests received in late 2023, issues of viability were raised by the applicant. A viability appraisal was submitted to the Council, and this was then

assessed independently by an external consultant. It was also separately assessed by the County Council.

- 8.11.8 The assessment of the revised contributions sought in late 2023 / early 2024 showed that the development would not be viable even when considering only Priority 1 contributions alone (education and highways). Clearly this would not be acceptable to the Council as the development is envisaged as a Sustainable Neighbourhood, which should be able to make other contributions in addition to highways and education to enable it to be a 'Sustainable Neighbourhood'. It would also be contrary to the Developer Contributions SPD. The Council does however recognise the significant investment that the County Council is making into Melton in constructing the MMDR N&E, and the substantial further investment that will be required to ensure that the education facilities that are needed will be provided. Officers also did not want to be in a position whereby they would be recommending the application for refusal given its importance to the housing delivery associated with the adopted Local Plan
- 8.11.9 Given this context, a number of different scenarios were looked at to establish points at which contributions could be made to provide some affordable housing on site alongside NHS contributions and those sought by LCC.
- 8.11.10 Following a substantial amount of work between the Borough Council and the County Council, an agreement was reached whereby it was established that 7.5% affordable housing (comprising a 50/50 split of First Homes and affordable rented homes) could be provided alongside the NHS contribution and reduced contributions towards both highways and education from those sought by LCC. This has ensured that the development of this allocated site can meet the overall aims and objectives of the Local Plan and policy SS5, whilst enabling the scheme to be deliverable and viable, contributing financially towards the MMDR and the wider area.
- 8.11.11 Due to the outline nature of the application, it has also been established that the financial contributions will be set out in a S106 on a 'per dwelling' basis. This is to ensure that at reserved matters stage, should the number of dwellings fall below 480, the contributions reflect this adequately.
- 8.11.12 The amended contributions are such that the development would remain viable whilst also enabling contributions to areas where they are needed (highways, education, affordable housing, and primary care). This approach ensures that the development will make a significant contribution to the Borough not only through the provision of the various elements of the development, but through improvements brought about by these financial contributions and on site provision.
- 8.11.13 On the basis that discussions and negotiations have taken place to enable the development proposed to be viable while still making contributions to the key areas of highways, education, affordable housing, and primary care, the development is compliant with the provisions of local plan policies SS5, C1(a), C4 and IN3 as well as the Developer Contributions SPD.

8.12 Planning Balance

- 8.12.1 The site is an allocated site within the Melton Local Plan to provide, as part of the larger site allocation for the Melton North Sustainable Neighbourhood, a significant part of the Borough's identified housing need over the plan period. It is in outline form with access being considered, and with all other matters reserved. This is in accordance with the relevant policies and the principle of development is acceptable as set out in policies SS1, SS2 and SS5 of the Local Plan.

- 8.12.2 Consultations have been undertaken with all relevant stakeholders and consultees. Through negotiation and discussion with relevant technical consultees, all are satisfied that the development is acceptable, and any impacts arising from the development are capable of being addressed by way of planning conditions and/or contributions included within a Section 106 agreement.
- 8.12.3 A number of letters of objection have been received, however as set out in Section 7.3, the grounds of the objection are such that raise no material considerations that are not capable of being managed either through the imposition of planning conditions or obligations in a S106 agreement.
- 8.12.4 The site will make a significant contribution towards meeting the housing targets (and needs) in the adopted Local Plan whilst also providing the land for a new primary school in addition to financial contributions towards other education infrastructure identified by the local education authority. Furthermore, 7.5% affordable housing will be provided on site, in addition to financial contributions towards highways and primary care in Melton.
- 8.12.5 The site, on its own and collectively with the other sites that comprise the MNSN, will not result in any unacceptable highway impacts that cannot be mitigated by way of condition or financial contribution.
- 8.12.6 Based on the illustrative site plan provided and the approved, comprehensive masterplan for the MNSN, it can be seen that the site can be developed in a manner that accommodates the development in its entirety including open space, infrastructure and SuDs features. Furthermore, it has been shown that this can be done in a manner that would not adversely impact upon existing or proposed amenity.
- 8.12.7 There will be no unacceptable impacts on ecology, trees or hedgerow while impacts on archaeological heritage assets are less than substantial and can be mitigated against by way of a condition relating to further investigation and recording. Sports provisions are catered for within the wider master planned scheme.
- 8.12.8 From the assessment and consideration of the various elements of the development as set out in this report, it can be seen that where any issues exist they can be mitigated by way of conditions and financial contributions.

9 Conclusion and Reason for Recommendation

- 9.1 The site is allocated in the Melton Local Plan under policy SS5 as one of a number that forms the Melton North Sustainable Neighbourhood, providing a mixed use development with the principle element being residential. It is situated immediately adjacent to Melton Mowbray and (mainly) to the south of the Melton Mowbray Distributor Road (MMDR) which is currently being constructed to facilitate the delivery of allocated housing contained within the Local Plan. Its position results in it being in a very sustainable location.
- 9.2 Based on the assessment of the scheme against relevant policies, the principle of the development is acceptable in accordance with local plan policies SS1, SS2 and SS5 as well as the NPPF.
- 9.3 An assessment of the illustrative site layout plan provided shows that the site has been found to be capable of accommodating all elements of the proposal alongside associated infrastructure including roads, footpaths, cycleways, SuDs features and landscaping. These can all be provided without any unacceptable impacts upon amenities.

- 9.4 Consultation responses from technical consultees have through negotiation, resulted in no objections being raised. Conditions, informatives and Section 106 contributions for significant highways and education contributions, in addition to 7.5% affordable housing, primary care are sought by the consultees to make the development acceptable.
- 9.5 From a highways perspective there will be no detrimental impact through this development on its own or cumulatively taking account of the two other application on the highway network. The indicative layout shows the provision of appropriate highway, pedestrian and cycle routes as well as dwellings with on-site parking provision being provided with a condition being capable of ensuring parking spaces meet adopted standards through future reserved matters submission(s).
- 9.6 There are no adverse or detrimental impacts on ecology, flooding or surface water drainage while good levels of open space will be provided for recreational purposes that will ensure continued green spaces for health benefits and drainage through natural means accompanied by SuDs features. Furthermore, as set out in the arboricultural report provided, further works in respect of the trees and hedgerows on site is required which will include means to ensure the protection of those to be retained.
- 9.7 Whilst heritage assets have been identified in the form of archaeology, the impact on these will be less than substantial with the inclusion of a condition requiring further archaeological works ensuring appropriate investigation, recording and preservation in accordance with the requirements of the appropriate technical consultee.
- 9.8 Through the provisions of policy SS5, the development will through conditions result in reserved matters submissions ensuring the development will positively contribute to the character and appearance of the area.
- 9.9 The proposal represents an effective use of the land where any impacts can be addressed through the use of conditions and contributions through a Section 106 agreement.
- 9.10 To conclude, the proposal complies with the provisions of the NPPF as well as all of the relevant local plan policies. The access arrangements are, as set out in the response from the local highway authority, acceptable while impacts resulting from the scheme can be addressed by way of a combination of planning conditions and Section 106 contributions relating to affordable housing, education, highways and primary care.
- 9.11 The application is therefore recommended for approval subject to the conditions, planning obligations (Section 106 agreement) and informatives as set out in Section 10 of this report.

10 Planning Conditions

- 10.1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin no 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: This application seeks outline permission with access only.

- 10.2 No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

REASON: The application is in outline with all matter except access reserved for later approval.

- 10.3 the reserved matters details to be submitted as required by Condition 2 shall be in accordance with parameters contained within the Design Code as approved or any subsequently approved up-dated Design Code for the site;

REASON: For the avoidance of doubt

- 10.4 The development shall be implemented in accordance with the following drawings;
- Site Location Plan (Drawing No: CSA/4292/107 Rev B)
 - Post-MMDR Melton Spinney Road Access Plan (Drawing No 19411-18-GA1-POST Rev D)
 - Pre-MMDR Melton Spinney Road Access Plan (Drawing No 19411-18-GA1-PRE

The development shall be carried out in general accordance with the principles contained in the following plans and documents:

- Design and Access Statement CSA_4292_02
- Ecology Appraisal edp5628_r002d
- Flood Risk Appraisal 19098 Rev D
- Plan EDP L7: Landscape Strategy Plan
- Arboricultural Impact Assessment Barton Hyett Associates May 2021
- Framework Travel Plan SJT/NES 19411-03

REASON: To ensure the development is carried out in accordance documents and drawings assessed by the LPA and found to be acceptable.

- 10.5 No development shall commence, other than archaeological investigations, until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.

REASON: To enable the development to be implemented in a phased manner. The landscape scheme to be submitted through Condition 2 as a reserved matter shall include both hard and soft landscaping detail.

- 10.6 Following any approval of reserved matters submissions, the approved landscaping shall be carried out before the occupation of the buildings or the completion of the development, whichever 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.

REASON: To ensure that landscaping to be submitted and approved is provided prior to first occupation of dwellings in that phase and to provide a reasonable period for the replacement of any planting.

- 10.7 A Landscape Management Plan, including a maintenance schedule, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas and land relating to the Primary School) shall be submitted to and

approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.

REASON: To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.

- 10.8 Before the submission of any reserved matters application, details of the housing mix across the site shall be submitted to and agreed in writing by the LPA. The market housing mix shall take account of both the recommendations of the Turner Morum Financial Viability Appraisal April 2023 and Local Plan provisions, unless agreed in writing with the LPA.

REASON: To ensure that the housing mix reflects that needed.

- 10.9 Prior to the development commencing, or prior to a phase commencing, full details of all tree and hedgerow protection measures to comprise a plan detailing those being protected and a scheme detailing means of protection, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected in accordance with the agreed details prior to work commencing and retained thereafter for the duration of the development or relevant phase being constructed.

REASON: To ensure the satisfactory protection of trees and hedgerows to be retained during the construction of the development.

- 10.10 Plans detailing the both existing and proposed ground and finished floor levels and also including cross sections of the development of for each phase, shall be provided as part of reserved matters submission(s). The development shall then be implemented in accordance with the approved details.

REASON: To enable changes in ground level and associated impacts to be assessed as part of the reserved matters applications in the interest of visual impact and the protection of amenity.

- 10.11 Parking provision for all uses hereby approved shall be provided as part of the reserved matters application to be submitted and approved as per condition 2 above and shall be provided in accordance with the standards at the time of the reserved matters submission(s) being made. The parking spaces shall then be provided as part of the development prior to the first occupation or use of the building / use to which they are associated and retained thereafter for parking purposes in accordance with that building or use.

REASON: To ensure parking spaces are provided in accordance with relevant standards and retained thereafter.

- 10.12 No development above damp proof course (DPC) shall commence until all external materials and site boundary treatments to be used in the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed.

REASON: To ensure a satisfactory external appearance to the development.

- 10.13 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, 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.

REASON: 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.

10.14 No part of the development hereby permitted on the parcel to the north of the Melton Mowbray Distributor Road shall be occupied such time as either:

a. Notwithstanding the details shown in David Tucker Associates drawing 19411-18-GA1-POST Revision D, details for the access arrangements for the northern parcel have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The design shall reflect any future amendments to the MMDR design. The works shall be completed prior to the occupation of the first dwelling on the parcel north of the MMDR.

OR

b. Notwithstanding the details shown in David Tucker Associates drawing 19411-18-GA1-PRE Revision D, details for the access arrangements for the northern parcel tying into the existing provisions on Melton Spinney Road have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The works shall be completed prior to the occupation of the first dwelling on the parcel north of the MMDR.

REASON: 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 (2023).

10.15 No part of the development hereby permitted on the parcel to the south of the Melton Mowbray Distributor Road shall be occupied such time as either:

a. Notwithstanding the details shown in David Tucker Associates drawing 19411-18-GA1-PRE Revision D, details for the access arrangements for the southern parcel have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The design shall reflect any future amendments to the MMDR design. The works shall be completed prior to the occupation of the first dwelling on the parcel south of the MMDR.

OR

b. Notwithstanding the details shown in David Tucker Associates drawing 19411-18-GA1-POST Revision D, details for the access arrangements for the southern parcel tying into the existing provisions on Melton Spinney Road have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The works shall be completed prior to the occupation of the first dwelling on the parcel south of the MMDR.

REASON: 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 (2023).

10.16 No part of the development hereby permitted shall be commenced until such time as either:

a. Notwithstanding the details shown in LCC Drawing 60542201 LCC LSI S2_SR_ZZ_Z DR KK 0003 Rev C02, a suitable field access proposed by the MMDR has been provided.

OR

b. Notwithstanding the details shown in DTA drawing 19411-18-GA1-POST Revision D, a temporary construction access connecting to the existing provisions on Melton Spinney Road has been agreed in writing with the Local Planning Authority and implemented.

REASON: 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 (2023).

10.17 No part of the development hereby permitted on the parcel to the north of the Melton Mowbray Distributor Road shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres have been provided at the northern site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

10.18 No part of the development hereby permitted on the parcel to the south of the Melton Mowbray Distributor Road shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres have been provided at the southern site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).

10.19 Notwithstanding the details shown in David Tucker Associates 19411-14-GA2 Revision D, a revised drawing should be submitted to and agreed in writing by the Local Planning Authority, showing the street connections between southern section of the proposed development and the development with planning permission to the south. The revised scheme shall be implemented in accordance with the agreed details.

REASON: 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 (2023).

10.20 The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Melton Spinney Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

10.21 Notwithstanding the details shown in David Tucker Associates drawing 19411-14-GA2 Revision D, a revised drawing should be submitted to and agreed in writing by the Local Planning Authority, showing the pedestrian / cycle crossing of the MMDR between the northern and southern section of the proposed development. The revised scheme shall be implemented prior to first occupation of the northern development site.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

- 10.22 The David Tucker Associates Travel Plan dated 05 August 2021 shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

- 10.23 Prior to commencement, a sound insulation scheme shall be submitted and approved by the local planning authority demonstrating that all habitable rooms achieve an internal noise level of 35dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. Where windows need to be closed to achieve these criteria, an alternative form of ventilation shall be specified.

REASON: To ensure that the amenities of future occupiers are protected.

- 10.24 No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and • The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works • The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

- 10.25 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 development must be carried out in accordance with these approved details and completed prior to first occupation.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 10.26 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. The construction of the development must be carried out in accordance with these approved details.

REASON: 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.

- 10.27 No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water

drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

REASON: 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 surface water drainage system (including sustainable drainage systems) within the proposed development.

- 10.28 No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

- 10.29 As part of the reserved matters application(s) full drawings, cross sections and maintenance details (short, medium and long) for the SuDs features shall be submitted to the Local Planning Authority for approval. The development shall then be implemented in accordance with the approved details then subsequently retained and maintained in accordance with the maintenance details.

REASON: To ensure the satisfactory provision and maintenance of the SuDs features.

- 10.30 As part of any reserved matters application(s) for any phase of development that contains footpaths linking the application site to Melton Country Park shall include details and a plan showing the type and style of access to be provided between the application site and the adjacent Melton Country Park. The approved details shall then be implemented in accordance with the agreed details prior to the occupation of 75% of the dwellings in that phase.

REASON: To ensure that access between the application site and the Melton Country Park are, generally in accordance with the Masterplan and Design Code, agreed as part of the detailed layout at reserved matters stage then duly provided by an appropriate stage in the delivery of the development.

10.31 **Informatives;**

- 10.32 In respect of the landscaping details to be provided as part reserved matter submissions, for the avoidance of doubt this is to include all hard and soft landscaping across the site or each phase of the site.

- 10.33 The applicant / agent is advised that within the Designing Out Crime consultation response has highlighted the following items that should be taken account of;

- Foliage is recommended to be to a height of 1m and trees are recommended to be trimmed to have no foliage lower than 2m from the ground. This will provide a 1m clear field of vision. Bin and cycle storage is recommended to be within the perimeter of dwellings with rear shed or garage storage recommended. Perimeter enclosure is recommended to be to a height of 1.8m in a material in keeping with the development.
- All door and window sets will be to PAS24 (2016) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems.

Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems;

- Street lighting columns to BS 5489 are recommended;
- Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing;
- Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act;
- Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
- Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access;
- Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request;
- Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate;
- Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable;
- Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss;
- An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development; and
- Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.

10.34 The Written Scheme of Investigation (WSI) required by Condition 24 above must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

10.35 The sustainable drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.

- 10.36 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 10.37 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
- 10.38 The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.
- 10.39 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
- 10.40 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 10.41 The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk.

11 Financial Implications

- 11.1 None

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 Legal and Governance issues are considered and assessed within the report. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

13 Background Papers

13.1 Melton NSN Masterplan Overarching Report

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Planning Committee

10 December 2024

Report of: Assistant Director for Planning

Proposal: 21/00973/OUT Outline planning application (all matters reserved) for a phase of the Melton North Sustainable Neighbourhood, comprising up to 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works.

Site: Fields OS 2555 2928 0929 8230, Scalford Road, Melton Mowbray

Applicant: Barwood Development Securities Ltd

Planning Officer: Richard Redford

Report Author:	Richard Redford , Team Leader
Report Author Contact Details:	01664 502 338 richardredford@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502418 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Margaret Glancy, Cllr Simon Lumley, Cllr Tim Webster
Date of consultation with Ward Member(s):	26 August 2021
Exempt Information:	No

Reason for Committee Determination:

The application is referred to Planning Committee as it raises matters which in the opinion of the Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) is likely to raise matters which should be referred to the Planning Committee .

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words: <https://what3words.com/washed.motor.rift>

RECOMMENDATION(S)

It is recommended that the application is **APPROVED** subject to:

1. Conditions and informatives detailed in Section 10 of this Report; and
2. A Section 106 legal agreement under the Town and Country Planning Act 1990 (as amended) securing the following;
 - 7.5% affordable housing on a 50:50 affordable rent and first time ownership split;
 - £5,347,766.72 paid on a per dwelling basis equating to £9,300.46 per dwelling towards strategic highway improvements
 - £8,845,087.28 paid on a per dwelling basis equating to £15,382.76 per dwelling towards education based on;
 - a) £692,382.92 toward Brownlow Primary School ;
 - b) £5,617,345.12 toward primary education;
 - c) £2,001,463.16 toward secondary education;
 - d) £283,399.82 toward post 16 education; and
 - e) £250,496.26 toward SEND education.
 - £482,154.75 paid on a per dwelling basis equating to £838.53 per dwelling toward the provision of an additional GP surgery (primary care) and
 - £359,200 for ecological enhancement works in the Melton Country Park

1 Executive Summary



- 1.1 Outline planning permission with all matters reserved is sought for a phase of the Melton North Sustainable Neighbourhood, comprising up to 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works.
- 1.2 The site is situated immediately to the north of the existing built up area of Melton Mowbray, and to the south of the Melton Mowbray Distributor Road (MMDR) which is currently under construction. The land on which it is to be located is an allocated site within the adopted Melton Local Plan where the provisions of policy SS5 are relevant. Due to this allocation within the Local Plan, the development is acceptable in principle in accordance with policies SS1, SS2 and SS5. The site is in a highly sustainable location and will contribute positively toward the significant delivery of identified housing need within the Borough alongside other uses.
- 1.3 This site is included within the comprehensive masterplan for the Melton North Sustainable Neighbourhood (MNSN). The masterplan was approved by Melton Borough Council in 2021, and can be viewed on the Council's Local Plan website: [Approved North SN Masterplan | localplan](#). The applicants have been working closely with Melton Borough Council, Leicestershire County Council and the other developers in the MNSN for more than 7 years to bring this site forward, including prior to the submission of the Local Plan for examination, and during the design of the MMDR N&E. The masterplan is a comprehensive document, and was prepared to ensure that the development brings together all of the sites to ensure that the neighbourhood functions as a whole rather than as three separate development parcels.

- 1.4 From a highways perspective, there are also two other planning applications currently being considered that are situated adjacent to this site (references 21/00989/OUT and 21/01198/OUT) with the Highway Authority having assessed each individually and cumulatively to ensure a thorough, detailed assessment of the highway implications have been undertaken. These assessments have indicated that the proposals will not have any unacceptable impacts upon highway or pedestrian safety subject to appropriate conditions and contributions through a Section 106 Agreement being associated with any approval.
- 1.5 Assessment of the submitted illustrative layout of the application site has enable officers to establish that the site is capable of accommodating the development proposed in a manner that would be appropriate, and not result in any adverse or detrimental impacts upon amenity, character, appearance or the landscape character. Furthermore, and taking account of technical consultee responses, the proposal will result in less than substantial harm in respect of archaeological heritage, and no adverse or detrimental impacts upon flooding, surface water drainage, ecology, trees and hedgerows.
- 1.6 All technical consultees consulted on the application are satisfied the proposal is not unacceptable subject to the imposition of conditions and informatives. Four letters of objection have been received in relation to the application making a number of points, however they are not of a nature to be detrimental to the site allocation or principle of the development being acceptable.
- 1.7 The provisions of policy SS5 requires affordable housing be provided at 15% of the dwellings proposed. Within several consultation responses, financial contributions have been sought relating to highways, education, libraries, civic amenities, Melton Country Park and the NHS. The combined sum of the contributions sought were such that the development would have been unviable in its entirety. Following assessments of the viability and subsequent discussions with those who sought contributions, an agreement has been reached in the form of 7.5% affordable housing across this application site, and reduced contributions for both highways and education (Tier 1 contributions) alongside the NHS (primary care) contribution. The applicant has also committed to the contributions toward Melton Country Park on the grounds of its improvements to Biodiversity Net Gain. Due to the outline nature of the development proposed, the contributions for highways, education and the NHS are to be on a 'per dwelling' basis given that, assuming outline approval is granted, the number of dwellings submitted at the reserved matters stage may be less than the 'up to 575 dwellings' sought here.
- 1.8 The application is therefore recommended for approval subject to a Section 106 agreement, conditions and informatives.

Main Report

2 The Site

- 2.1 The application site is an irregularly shaped parcel of land that is made up of a number of agricultural fields which are mainly pastureland. Scalford Road forms the site's western boundary with the site extending eastward, following the northern boundary of the adjacent site of the William Davis planning application (ref 21.00989/OUT). The site remains south of the MMDR, and at the central point of the site it cuts down in an irregular shape immediately to the west of the Melton Country Park. It then continues to follow the boundary along the northern edge of the Country Park, meeting up with the Taylor Wimpey site at its eastern extent (planning application reference 21/01198/OUT).

- 2.2 Ground levels vary across the site. Across the site as a whole there are a number of hedgerows and trees that contribute to a semi- regular field pattern.
- 2.3 At present fields border the site although, as set out in 2.4 and 2.5 below, the Melton Mowbray Distributor Road (MMDR) is being constructed to the north while other Local Plan allocations exist adjacent to and adjoining the site to the west, south and east.
- 2.4 The North & East Melton Mowbray Distributor Road (N&E MMDR), is currently under construction and passes across the northern boundary of the site on an east-west axis following a gentle arc shape. Beyond the site to the south is Melton Mowbray as well as the Melton Country Park.
- 2.5 The site is one of a number of sites allocated in the Melton Local Plan for development to provide the majority of the Council's identified housing requirement as set out in the Local Plan. In this area the site forms 1 of 3 allocated sites adjacent to each other. To the south of the western section of the site is another Local Plan allocation where the applicant is William Davis (21/00989/OUT for 175 dwellings) while to the east of the application site is a further allocated site where the applicant is Taylor Wimpy (21/01198/OUT for up to 480 dwellings).

3 Planning History

- 3.1 20/01232/EIA - EIA Screening Opinion Request (cumulative impacts) for Melton North Sustainable Neighbourhood (part), Land between Scalford Road and Melton Spinney Road –Not Required – 27 November 2020
- 3.2 The land is allocated and forms part of an approved Masterplan for the Melton North Sustainable Neighbourhood, The Masterplan can be viewed online here: [Approved North SN Masterplan | localplan](#)

4 Proposal

- 4.1 Outline planning application with all matters reserved is sought for a phase of the Melton North Sustainable Neighbourhood, comprising up to 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works.
- 4.2 A large number of documents have been provided as part of the application and these include a planning statement, highway documents, ecological items including in respect of Biodiversity Net Gain, flood risk and drainage documents, contamination reports, heritage appraisals, landscape strategy and illustrative master plans. These are alongside other documents submitted in support of the proposal.
- 4.3 Through the processing of the application additional documents have been submitted for consideration as part of the application. This includes the submission of documents in respect of the viability of the development for consideration which have been independently assessed.
- 4.4 It should be noted that the indicative plan and landscape strategy plan submitted as part of the application are for indicative purposes only in showing how the site could be arranged to facilitate providing the various elements set out in the description of development.

5 Amendments

- 5.1 Through the processing of the application, no amended plans have been provided. A number of additional documents have been provided include technical notes and a viability appraisal with associated appendices

6 Planning Policy

6.1 National Policy

- 6.1.1 National Planning Policy Framework (NPPF 2023)

- 6.1.2 National Planning Policy Guidance

6.2 Melton Local Plan

- 6.2.1 Policy SS1 – Presumption in Favour of Sustainable Development

- 6.2.2 Policy SS2 – Development Strategy

- 6.2.3 Policy SS5 – Melton Mowbray North Sustainable Neighbourhood

- 6.2.4 Policy C1(A) – Housing Allocations

- 6.2.5 Policy C2 – Housing Mix

- 6.2.6 Policy C3 – National Space Standards and Smaller Dwellings

- 6.2.7 Policy C4 – Affordable Housing

- 6.2.8 Policy C9 – Healthy Communities

- 6.2.9 Policy EN1 – Landscape

- 6.2.10 Policy EN2 – Biodiversity and Geology

- 6.2.11 Policy EN6 – Settlement Character

- 6.2.12 Policy EN7 – Open Space, Sport and Recreation

- 6.2.13 Policy EN8 – Climate Change

- 6.2.14 Policy EN9 – Ensuring Energy Efficiency and Low Carbon Development

- 6.2.15 Policy EN11 – Minimising the Risk of Flooding

- 6.2.16 Policy EN12 – Sustainable Drainage Systems

- 6.2.17 Policy EN18 – Heritage Assets

- 6.2.18 Policy IN1 – Melton Mowbray Transport Strategy

- 6.2.19 Policy IN2 – Transport, Accessibility and Parking

- 6.2.20 Policy IN3 – Infrastructure Contributions and Community Infrastructure Levy

- 6.2.21 Policy D1 – Raising the Standard of Design

6.3 Neighbourhood Plan

- 6.3.1 The site is within / on the edge of the Melton Mowbray built form within the Melton Newport Ward. There is no Neighbourhood Plan.

6.4 Other

- 6.4.1 Housing Mix and Affordable Housing SPD

- 6.4.2 Developer Contributions SPD

6.4.3 Melton North Sustainable Neighbourhood Masterplan (approved October 2021)

6.5 Heritage Legislation

6.5.1 The Local Planning Authority has a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.

6.5.2 Paragraph 203 of the latest version of the NPPF published in December 2023 is also a significant material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.5.3 Paragraph 205 of the Framework further requires that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm would amount to substantial harm, total loss or less than substantial harm to its significance.

6.5.4 6.5.4 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 207 goes on to state that in cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.6 Masterplan

6.6.1 The overall area of land that comprises the Melton North Sustainable Neighbourhood is covered by a Masterplan document that was approved by the Council on 13th October 2021. An overarching report has been provided to the committee which sets out how the masterplan was prepared, and its status in determining planning applications.

6.6.2 Undertaken alongside the Design Code, it was prepared in collaboration between the various applicants on the planning applications alongside Leicestershire County Council and Melton Borough Council with the intention of helping guide future planning applications for the site. It serves to provide an understanding of the characteristics and context of the site; a vision and set of development objectives that underpin future development; the principles of design, layout and infrastructure provision the developments are expected to deliver; a concept masterplan that provides visual representation of the aspirations of the development; and delivery and phasing strategy.

- 6.6.3 Given the clear interaction between this application and the two other outline applications being considered – 21/00989/OUT and 21/01198/OUT – it is important to ensure connectivity between the 3 planning applications given they all draw from the contents of the masterplan.
- 6.6.4 This approach supports and reflects the combined approach taken between the applicants, Melton Borough Council and Leicestershire County Council in the preparation and subsequent adopted of the masterplan by the Council. It also shows the positive commitment of all parties, as shown through the progression of the planning application, to work in order to address matters where they have arisen to ensure the development is capable of being supported.

7 Consultation Responses

7.1 Summary of latest Technical Consultation Responses – For all previous comments please visit

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXXP8VKO0GX00>

7.1.1 LCC Highway 5.03.2024

- a) Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in their response.
- b) These amended observations are provided following the completion of the ‘Melton Mowbray Transport Strategy Workstream 3 – Bus Network Report’, dated 23 January 2024, approved by the LHA on 4th March 2024 in line with Policy 3 of the Interim Melton Mowbray Transport Strategy. The approval of this report enables the LHA to provide final highway advice that requests passenger transport contributions in line with Policy 4 of the Interim Melton Mowbray Transport Strategy and the National Planning Policy Framework.
- c) The LHA wishes to inform the Applicant that internally, the LHA would require two parking spaces for a dwelling with up to three beds and three spaces for a dwelling with four or more. Parking spaces should measure a minimum of 2.4 x 5.5 metres with an additional 0.5 metre width for each side bound by a wall / hedge / fence etc. For a garage to count as a parking space, internal dimensions should measure 3.0 x 6.0m for a single garage or 6.0 x 6.0m for a double garage, in accordance with Part 3, Section 3.225 of the LHDG.
- d) Request conditions and informatives be attached to any approval alongside contributions be provided through a Section 106 legal agreement [contributions detailed below].

7.1.2 LCC Contributions 15.11.2024

- a) Following on-going discussions and assessment of a viability appraisal, LCC Contributions have provided up-dated contributions request as follows;

MBC Priority Order	Service	Description	LCC's Full Request	% of Total LCC Ask	% Total of P1 and P2a Ask	LCC's Revised Request
1	Early Years	Brownlow Primary School	£897,149.50	4.47%	4.88%	£692,382.92
1	Education	Primary Education	£7,278,629.00	36.28%	39.58%	£5,617,345.12
1	Education	Secondary Education	£2,593,379.52	12.93%	14.10%	£2,001,463.16
1	Education	Post 16 Education	£367,213.00	1.83%	2.00%	£283,399.82
1	Education	SEND Education	£324,578.48	1.62%	1.76%	£250,496.26
1	Highways	Strategic Road Improvements (MMDR)	£6,929,325.00	34.54%	37.68%	£5,347,766.72
2c	Waste	Melton Mowbray HWRC	£47,529.50	0.24%		
2c	SST	Travel Packs	£30,388.75	0.15%		
2c	SST	Bus Passes	£586,500.00	2.92%		
2c	SST	STARS	£6,000.00	0.03%		
2c	SST	Public Transport Strategy	£986,464.25	4.92%		
3	Libraries	Melton Mowbray Library	£17,363.68	0.09%		
		Total	£20,064,520.68			£14,192,854.00

- b) These revised contributions, seeing a reduction if Priority 1 contribution levels alongside the removal of those in Level 2 or lower are as a result of officers at the County Council having sought to adapt the approach taken to calculating contributions towards Education, specifically, the replacement of the “roof tariff” approach in favour of the school place planning methodology used across the County. This was approved, and as agreed with officers at Melton Borough Council, a cumulative impact assessment for Education has been carried out, as set out in the County Councils Planning Obligations Policy.

7.1.3 LCC Archaeology 10.09.2021

- a) No objection subject to condition(s).

7.1.4 LCC Ecology 27.10.2022

- a) Have no objections subject to conditions being attached.
b) The conditions will need to ensure that a number of ecological items are submitted prior to any implementation and possibly as part of reserved matters applications.

7.1.5 LCC Forestry

- a) No comments received.

7.1.6 Lead Local Flood Authority 05.04.2022

- a) Have no objection to the development subject to conditions and informatives being attached to any approval.
b) Subsequent to the previous LLFA response the applicant’s consultant has submitted a technical addendum to the flood risk assessment.
c) Pre-application advice from the Environment Agency (EA) made it clear that it wishes that an approx. 40m culvert structure of the Scafford Brook ordinary watercourse on the site be replaced with a clear span structure unless it is showed that it results in a significant increase of downstream flood risk. Despite this and having explored this option, the applicant has continued to propose an upsized culvert to replace the existing with justification of costs and that there is relatively small impact of downstream flood risk between the two options.

- d) Subsequent to this the applicant has explained in the technical addendum that is has reached an arrangement with the EA to for the EA to recommend conditioning a final decision on the replacement of the existing culvert subsequent to further detailed design.

7.1.7 MBC Environmental Health 19.11.2021

- a) Have no objections subject to a number of conditions being attached to any approval.
- b) The conditions are as a result of the sites location close to Scalford Road and the Melton Mowbray Distributor Road (MMDR) which is currently being constructed and from which both vehicles and lights could have impacts upon the amenities of future occupiers.

7.1.8 MBC Conservation Officer 2.12.2024

- a) No objections to the proposal.
- b) The works are considered to be acceptable and will not cause undue harm to the character of the Melton conservation area, in accordance with Para 212 of the NPPF. The setting of the SAM will not be harmed through the outline consent, in accordance with Para 208 of the NPPF and Local Plan Policy EN13.

7.1.9 MBC Housing Officer

- a) Identifies the relevant polices in respect of dwelling sizes, tenures and affordable housing but acknowledges viability issues so recommends the viability of the site is remodelled with the delivery of affordable housing for rent and First Homes only and also for the delivery of home ownership only : shared ownership and first homes.

7.1.10 Environment Agency 28.10.2021

- a) Have no objections to the development subject to conditions and informatives being attached to any approval.

7.1.11 Severn Trent Water

- a) No comments received.

7.1.12 National Highways 23.11.2021

Thankful for the additional information they requested in relation to the cumulative impact from the three housing developments, by Barwood, William Davies and Taylor Wimpey. The location of the developments to the north of Melton is approx. 7 miles distant to the nearest SRN link and has a combined scale of development totalling 1,230 dwellings.

National Highways accept your methodology regarding the trip distribution based around the VISSIM modelling, with an approach based upon census JTW data for trips leaving the network. On this basis we can then agree that the impact upon the A46 is not likely to be severe, with a maximum impact of less than 20 trips in any one direction at the nearest A46 junctions.

We are therefore in a position to withdraw our current holding direction and would offer a 'No Objection' response to the above referenced planning application.

7.1.13 Historic England 07.09.2021

- a) On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

7.1.14 Designing Out Crime Officer

a) No comments received.

7.1.15 **Natural England 04.10.2021**

a) Have no objections to the proposal as based on the plans submitted they consider the proposal will not have a significant impact on designated sites.

7.1.16 **NHS 29.06.2022**

a) Up-dated financial contribution request of £482,154.75 sought to take account of up-dated costs.

b) The basis for the request is as previously set out with it to be used towards a second surgery in Melton Mowbray.

7.1.17 **Sport England 25.01.2022**

a) No objections.

7.2 **Summary of Representations**

7.2.1 **Ward Member(s)**

a) No comments have been received from Ward Members.

7.2.2 **Scaford Parish Council 30.03.2022**

a) The Parish Council have no comment to make on the detail in this application except to say they feel it should be considered jointly with application 21/00989/OUT. The other observation the Council would make is, that in view of the possibility that the Melton Distributor Road may well be delayed by the County Council or even shelved is the Borough Council going to continue to permit the building of these houses that are dependent on the building of the Distributor Road.

7.2.3 **Neighbours**

7.2.4 4 letters of objection have been received from 4 addresses, including 1 Parish Councillor, objecting as following;

a) The plans do not show the MMDR and the incursion on the country park so further details required; and

b) The proposal not complying with the Melton Mowbray Town Plan.

7.3 **Response to Consultations and Representations**

7.3.1 The submitted documents and drawings may not show the specific details of the MMDR however clear reference and acknowledgement is made to the existence of the MMDR highway on which construction has commenced and is currently on-going.

7.3.2 The Parish Council refers to the 'Melton Town Plan', however there is no such document. Officers are of the opinion that the Parish Council most likely means the Melton Local Plan, and commentary in regard to whether or not the proposal complies with adopted policy within that Plan is provided in a detailed assessment and consideration below.

8 **Planning Analysis**

8.1 **Main Considerations**

8.1.1 Principle of development

8.1.2 Highways

- 8.1.3 Housing mix
- 8.1.4 Ability of the site to accommodate the development
- 8.1.5 Flooding and drainage
- 8.1.6 Heritage including archaeology
- 8.1.7 Ecology, trees and hedgerows
- 8.1.8 Sports
- 8.1.9 Impact on amenities
- 8.1.10 Contributions
- 8.1.11 Viability
- 8.1.12 Planning Balance

8.2 Principle of Development

8.2.1 Policies SS1 and SS2 of the Melton Local Plan seek to ensure that development is situated in appropriate locations and in a manner that reflects and supports sustainable development within the Borough. Additionally, policy SS5 is a specific policy that covers this application site alongside the other sites that collectively form the Melton Mowbray North Sustainable Neighbourhood.

8.2.2 The provisions of policy SS1 sets out 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. 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 polices in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”

8.2.3 Following on from this, policy SS2 provides details on the delivery of housing within the Borough across the life of the Local Plan and within the policy provisions it details

“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 polices in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”

8.2.4 While the application site itself is not located within the existing Melton Mowbray built up area, which is the most sustainable location within the Borough, it is situated immediately adjacent to its boundary. Given the need to deliver significant numbers of dwellings in order to meet the identified housing need, the development of Sustainable Neighbourhoods to the north and south of the town in strategic locations is of significance to this key objective being met. This location adjacent to the existing Melton Mowbray built form is a highly sustainable

location given its proximity to all the facilities that Melton Mowbray has including shops and services including transport links.

- 8.2.5 The provisions of policy SS5 – Melton Mowbray North Sustainable Neighbourhood – are key to achieving housing targets and delivery, and providing a comprehensive planned development that integrates well to the town. The policy sets out the requirements across the entire sustainable neighbourhood including at least 1500 homes of which 15% should be affordable subject to viability, a range of tenure, types and sizes as per the provision of policy C2 alongside extra care housing. These are alongside small-scale employment, community facilities in the form of a primary school, financial contributions and an accessible local centre including shops and offices as well as transport improvements, heritage asset protection and environmental improvement.
- 8.2.6 In association with the provisions of these policies, policy C1 (a) sets out housing allocations across the Borough. The first allocation being the Melton North Sustainable Neighbourhood (MNSN) with a capacity of at least 1500 dwellings. This application site forms part of the MNSN site with the 575 houses proposed as part of this scheme contributing to the overall target.
- 8.2.7 Over the duration of the Local Plan, there is a need to ensure that sufficient land is available for the delivery of housing in accordance with housing numbers contained within the adopted plan. As a site that is allocated for housing that forms part of a key housing allocation, the delivery of this site for the purposes proposed is key to the local plan, maintaining a healthy land supply and achieving housing delivery targets. In contributing to the Council meeting its housing target it contributes to the delivery of the Local Plan and wider aims beyond this.
- 8.2.8 It can be seen that while the site is not inside the existing Melton Mowbray boundary, it is immediately adjacent to it and is designated for a mix of uses with the primary use being housing. Furthermore, it forms part of a larger designation that will contribute at least 1500 dwellings over the plan period alongside other uses and infrastructure. These are factors that officers consider carry significant weight in terms of the delivery of housing, other uses and associated infrastructure.
- 8.2.9 This larger designation was assessed as part of the Local Plan Examination In Public in 2018 where the Inspector found it to be an acceptable policy, as it is a site specific policy designed to ensure the delivery of a large proportion of the Borough's identified housing need. Alongside this, it was established to be a sustainable location due to it being sited immediately adjacent to the built-up Melton Mowbray area which provides the full range of services and facilities that can be expected to be found in a sustainable area including health care, shops, services and transport links. The sites were assessed through a Sustainability Appraisal and a [Large Sites Assessment Report](#).
- 8.2.10 On this basis, the development is acceptable in principle with its overall acceptability, as set out in the following sections and headings. The development is considered to be acceptable in principle. It therefore complies with the provisions of Local Plan policies SS1, SS2, SS5 and C1 (A).

8.3 Highways

- 8.3.1 The application as submitted seeks outline permission only with no reserved matters being formally considered as part of this application. Notwithstanding this, there is a need to

ensure that the highway related implications of the development proposed are considered to establish its potential impact on the highway network.

- 8.3.2 As set out in paragraph 2.4 above, the MMDR is being constructed to the immediate north of the application site. This runs in an east-west direction along the site's northern boundary. The MMDR is being constructed in order to ensure that the development proposed here, and in the other Melton North Sustainable Neighbourhood applications, are served by the necessary and appropriate road infrastructure.
- 8.3.3 Within their most recent and final response, the local highway authority (LHA) set out that this application forms 1 of 3 applications forming the Melton North Sustainable Neighbourhood (MNSN) alongside 21/00989/OUT for 175 dwellings by William Davis Homes and 21/01198/OUT for 480 dwellings by Taylor Wimpey. They also highlight that in addition to the housing elements of these applications, a new local centre incorporating community and/or health facilities as well as a primary school will be provided. Furthermore, they detail that two previous applications were granted planning permission to the west of these three proposed sites all of which are allocated in the Local Plan. Situated between A606 Nottingham Road and Scalford Road, applications 18/00359/OUT and 18/00769/OUT permitted the development of up to 690 dwellings alongside a new primary school, retail and office space as well as open space and associated infrastructure. Collectively, given the proximity of these development sites there has been a need for detailed and careful assessment and consideration of the highway implications.
- 8.3.4 The LHA's assessment falls under a number of headings including site access, highway layout, traffic impact and transport sustainability. They identify that approval of access is not sought in detail as part of this outline planning application, due to the site being accessed at its western end from Scalford Road via the eastern arm of the four-arm roundabout provided by Bloor Homes in connection with application 18/00769/OUT. At the time of submission of this planning application that roundabout was not constructed. In connection with the subject of access within the highway response it is highlighted that for developments of over 150 dwellings, 2 access points are needed and that the previous approvals ensure these access requirements are met.
- 8.3.5 The LHA have detailed that there is only one record of a personal injury collision in and around this location. Therefore they do not consider that there are any existing road safety issues in the vicinity of the site which would be exacerbated by the proposed development. They continue to set out that the modelling undertaken in association with the development through the submitted Transport Assessment is acceptable and will contribute to reductions in traffic flows and journey times in a manner that helps to mitigate the impact of the development.
- 8.3.6 With respect to the internal layout, the LHA note that the internal arrangements (i.e. road layout) are not for consideration as part of this application but highlight the parking standards that should be taken into account at reserved matters stage should planning approval be issued. Such a matter can be dealt with by way of condition on any approval which would ensure compliance with policy IN2 of the Local Plan.
- 8.3.7 The LHA conclude that they are satisfied that, subject to conditions, informatives and financial contributions through a Section 106 legal agreement, the development would not result in any unacceptable highway or pedestrian implications.
- 8.3.8 Officers consider the appropriate assessment of the proposal's highway impacts has been undertaken in a thorough manner by the LHA who have assessed the proposal on its own as well as cumulatively taking account of the two other outline planning applications being

considered. Such an approach is reflective of the nature and scale of the development proposed here as part of a Master planned development, as well as in the context of the larger scheme so as to ensure that cumulative impacts have been assessed therefore ensuring appropriate mitigation can be factored in.

- 8.3.9 The LHA has requested financial contributions and conditions be attached to any approval by way of Section 106 agreement. An assessment of the conditions requested has indicated that they would meet the tests for conditions and therefore be acceptable to be attached to any approval. Turning to the contributions sought, these are addressed in respect of viability in section 8.11 below alongside contributions sought from other consultees.
- 8.3.10 On the basis of the LHA's comments and assessment of highway matters, officers are of the opinion that the proposal would not result in any unacceptable or detrimental impact on the highway network that would justify a refusal. Where there are impacts identified these can be mitigated by way of conditions and financial contributions. As such the provisions of Local Plan policy IN2 will be met.

8.4 Housing Mix and Size Standards

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to
- *'manage the delivery of a mix of house types, tenures 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 8 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'*
- 8.4.3 The application form submitted details that the number of bedrooms per dwelling are at present unknown. This is due to the outline nature of the application. While the Viability Appraisal provided is based on a number of assumptions relating to dwelling size, specific numbers of bedrooms are not known at this stage.
- 8.4.4 As set out in 8.4.2 above, the purpose of Local Plan policy C2 is to ensure a housing mix across developments that is reflective of the prevailing needs at the time of applications being submitted and determined. As this current application seeks only outline permission for the development, officers consider it reasonable to attach a condition to any approval relating to the submission and agreement of the housing mix prior to the submission of any reserved matters application for the dwellings. Such a condition will ensure that the housing mix is agreed based on what is identified at the point in time the details are provided to then be used in the subsequent reserved matters application(s).
- 8.4.5 Turning to the size of the dwellings to form part of the proposal through reserved matters submissions, assuming an approval is issued on this outline application, Local Plan policy C3 details that;
- *'Residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms. For affordable 60 Melton Local Plan, October 2018 Chapter 5: Melton's*

Communities housing, schemes using the Housing Quality Indicators standards will be supported.'

- 8.4.6 As all matters have been reserved within this application, no details are available with regards to the sizes of the dwellings proposed. Officers do not consider this to be an insurmountable issue as a condition can be attached to any approval requiring the dwellings meet or exceed the size standards contained within this policy. Such an approach would provide the developers with the standards to be used in the dwellings to be built and therefore ensure future owners and occupiers of the dwellings benefit from dwellings of sizes that are considered to be acceptable.
- 8.4.7 On the basis that the imposition of conditions will enable the housing mix to be agreed, officers are satisfied the requirements of Local Plan policies C2 and C3 will be complied with.

8.5 Ability of the site to accommodate the development

- 8.5.1 Whilst the proposed layout of the development is not being considered as part of this outline planning application, there is a need to assess the proposal to establish if the site is capable of accommodating the development as set out in the planning applications description. In this assessment the provisions contained within Local Plan policies EN1, EN6, C9 and D1 are relevant.
- 8.5.2 With regards to policy EN1, it sets out that the landscape and countryside be conserved and where possible enhanced through a variety of means including ensuring new developments are sensitive to the landscape settings, respect landscape features (including trees and hedgerows) and don't have unacceptable adverse effects on sense of place.
- 8.5.3 Policy EN6 relates to settlement character and sets out that:
'Development proposals will be supported where they do not harm open areas which: 1. contribute positively to the individual character of a settlement; 2. contribute to the setting of historic built form and features; 3. contribute to the key characteristics and features of conservation areas; and 4. form a key entrance and/or gateway to a settlement. Development proposals will also be supported where they do not harm individual features of a settlement which contribute towards settlement character as identified in a Neighbourhood Plan, including non-designated heritage assets'
- 8.5.4 Local Plan policy D1 relates to raising the standard of design with it requiring all new developments should be of high quality design before setting out the areas they will be assessed against which includes:
- siting and layout being sympathetic to the character of the area;
 - development should meet basic urban design principles;
 - amenity of neighbours and neighbouring properties should not be compromised;
 - sustainable means of communication and transportation should be used where appropriate;
 - existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development; and
 - proposals including appropriate, safe connection to the existing highway network.

- 8.5.5 Furthermore, the provisions of policy C9 on healthy communities are considered relevant. This policy sets out that new developments should make positive contributions towards a number of different promoters of health and wellbeing including good quality green, public space, sports and recreational facilities, safe, convenient and attractive footpaths and roads including cycleways, and 'healthy homes' which have good natural light, decent space (internal and external) and are adaptable.
- 8.5.6 As part of the application a number of documents have been submitted including Design and Access Statement, Landscape and Visual Assessment, Design Code and an illustrative master plan. Collectively these documents seek to show that the site is capable of accommodating the development proposed through the use of the illustrative master plan and visual impacts associated with that illustrative layout.
- 8.5.7 Within the Design and Access Statement the inter-connected nature of the application site with the two other adjacent allocated sites is highlighted in order to, alongside and as part of the Design Code, set out that the developments in their own right and together need to ensure a sustainable neighbourhood to the benefit of the development and Borough. It sets out key east-west movement between allocated sites with some north-south while also indicating pedestrian access southwards including specifically to Melton Country Park which abuts the sites southern boundary. Within it is also an assessment of site characteristics, opportunities and constraints as well as outlines potential options to enable the design and layout of the development through any reserved matters submission. Various design principles are outlined including relationships with the MMDR, flood risk management, addressing road frontages and open spaces, and landscaping.
- 8.5.8 The Design Code submitted seeks to provide a co-ordination between the three allocated sites, and sets out a number of points to which the applications will adhere. It sets these as follows;
- a) Illustrative Streetscape Character Frontages Plan with a series of site wide design instructions based on the key character frontages of different street typologies with these supported by a highway matrix design;
 - b) Detailed design guidance in relation to the four 'character' frontages;
 - c) Followed by design guidance in relation to the seven 'character' areas identified on the Key Character Areas Plan; and
 - d) Open space and detailed guidance with regards to external appearance, children's play provision, designing out crime, access for all in the public realm, sustainable construction, SuDs strategy and levels.
- 8.5.9 Both the Design Code and the Design and Access Statement have been used to develop the illustrative site layout as well as the visual impacts drawing.
- 8.5.10 The illustrative layout shows a central road off which all the other roads are located and around which the development is laid out. It shows the majority of the dwellings situated in the western two thirds of the site on the western side of an area of planting for wildlife purposes that ties in with the existing adjacent Melton Country Park. To the eastern side of this the illustrative plan shows a further section of housing as well as an area to provide playing pitches and pavilion.
- 8.5.11 Throughout the illustrative plan, potential locations for both vehicular and pedestrian points are identified alongside combined pedestrian and cycle locations. Further, a potential location for a Local Equipped Area of Play (LEAP) is identified with an area also identified

for a community hall / changing rooms pavilion alongside the sports pitches. Illustrative locations of new planting are identified alongside existing landscaping areas with SuDs areas indicated as well.

- 8.5.12 This illustrative layout plan shows that the site can accommodate the various elements that together form the development proposed. Within the context of the wider development of the MNSN (based on the Local Plan allocated sites adjacent to this application site), connections are shown with those which would ensure connectivity in amongst these developments. There are also connections between the site and the adjacent designated areas such as the Melton Country Park that would contribute to good connectivity in the wider area and afford enhanced recreational opportunities to the new residents.
- 8.5.13 The dwellings are arranged in a manner around the illustrative road layout that shows the number of dwellings proposed are capable of being provided on the site. Furthermore, it appears as though the dwellings are capable of being provided with good levels of private amenity space and necessary the parking provision.
- 8.5.14 As part of the submission a landscape and visual assessment has been provided.
- 8.5.15 An assessment of the submitted documents, including indicative illustrative plans, show that the site is capable of accommodating the various elements for which planning permission is sought. Furthermore, this can be done in a manner that does not unduly impact upon neither the adjacent allocated sites nor the other surrounding and adjacent areas.
- 8.5.16 It should be noted that the submitted layout plan of the site is for illustrative purposes only and is only intended to show the site is capable of accommodating the development proposed along with the other infrastructure. No weight can be given to this layout being the final layout should outline permission be granted.
- 8.5.17 Overall officers consider that the submitted details set out good parameters for the development of the site as contained within the Design Code as well the Design and Access Statement on areas such as building heights, orientations, road provision and arrangement, and landscaping. Furthermore, the indicative site masterplan clearly establishes that based on the description of development, the site is of a size and scale that can accommodate the scheme in a manner that would not impact upon or prejudice the adjacent allocated sites, existing built up area or open countryside.
- 8.5.18 Officers consider that the submitted documents clearly show that the various elements of the development proposed and set out in the description of development can be accommodated on the site. The illustrative master plans shows these elements alongside the associated infrastructure and roads in a manner that establishes all of the relevant elements of the development can be provided and provided in a manner that would not result in any adverse or detrimental impacts being raised within the site or from the site on to adjacent sites.
- 8.5.19 The proposal therefore complies with the provisions of the NPPF as well as Local Plan policies EN1, EN6, C9 and D1.

8.6 Flooding and Drainage

- 8.6.1 The majority of the site is located within Flood Zone 1 being at low risk of fluvial flooding with areas in Zone 2 and 3 corresponding to the Scalford Brook which crosses the site. The Scalford Brook at this point is classified as an ordinary watercourse.

- 8.6.2 The provisions of Local Plan policy EN11, relating to minimizing the risk of flooding, is relevant. This policy sets out that the Council will work with other parties to minimise the risk of flooding as well as that proposals needing to demonstrate capacity within the foul water sewerage network, or that capacity can be made available prior to the occupation of the development, as well as that proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal not resulting in an increase in flood risk elsewhere.
- 8.6.3 Further, policy EN12 relates to Sustainable Drainage Systems setting out that
- *‘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.’*
- 8.6.4 The policy continues detailing
- *‘All developments will be expected to be designed to 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.’*
- 8.6.5 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) were consulted on the application with the consultation response from the EA indicating they had no objections to the proposal subject to both conditions and informatives being attached to any approval.
- 8.6.6 A number of flood and drainage related documents were submitted as part of the application on which the Lead Local Flood Authority, LLFA, initially commented the documents as submitted are insufficient for them to provide a substantive response at this stage. Their response also set out what additional information was required in order to provide a substantive response that was subsequently provided along with a technical assessment and on which the LLFA were re-consulted.
- 8.6.7 On the basis of the technical addendum provided by the applicants, the LLFA commented that due to being an outline application the use of planning conditions are advised to be acceptable for the LLFA at this stage. Therefore, the LLFA have no objection to the development subject to conditions and informatives being attached to any approval.
- 8.6.8 The illustrative masterplan submitted as part of the scheme makes provision for the inclusion of SuDs features within the application site. Policy EN12 of the Local Plan relates to Sustainable Urban Drainage (SuDs) and sets out that *“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.”*
- 8.6.9 Due to the nature of the masterplan drawing provided as being illustrative, no specific details on the SuDs have been provided. The conditions sought by the LLFA relate to surface water which will complement and work in association with the SuDs features. Conditions

relating to their specification and maintenance would ensure the necessary details are provided and agreed prior to development.

- 8.6.10 Officers welcome the Environment Agency and Lead Local Flood Authority having no objections to the proposal following receipt of the technical addendum to be read alongside the originally submitted documents. The conditions sought will serve to ensure that the relevant requirements will be factored into the reserved matters submissions should outline planning permission be granted on this outline submission.
- 8.6.11 From these technical consultee responses relating to flooding and drainage, it has been demonstrated that the proposal would not result in any adverse or detrimental impacts upon both flooding and drainage. It is therefore considered that the proposal complies with the requirements of EN8, EN11 and EN12 of the Melton Local Plan as well as provisions of the NPPF.

8.7 Heritage including Archaeology

- 8.7.1 Local Plan policy EN13 relates specifically to heritage and details that
- ‘The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.’*
- 8.7.2 It continues and sets out the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through a number of means.
- 8.7.3 Section 6.5 above sets out the national position with regards to heritage taking account of both legislation and the NPPF with regards to the impacts of developments on heritage assets taking account of the level of harm posed by the development.
- 8.7.4 As part of the submission, a Heritage Appraisal was submitted assessing the scheme against the heritage assets in the locality based on a combination of desk-based heritage assessment, archaeological geophysical survey and archaeological investigation including archaeological trial trenching.
- 8.7.5 In summary the heritage investigations identified three areas of Iron Age / Roman period activity where the below ground remains, that are to be removed through the development, are of a significance commensurate to a non-designated heritage asset. It also identified areas of ridge and furrow also identified as commensurate to a non-designated heritage asset. Acknowledgement of the course of the Great Northern and London and North Western Joint Railway is made and while dismantled, remains of significance.
- 8.7.6 The submitted documents have been assessed by Historic England, MBC Conservation Officer and LCC Archaeology.
- 8.7.7 Historic England have set out that based upon the submitted information they did not wish to make comments but suggested seeking advice from our specialist advisors.
- 8.7.8 MBC Conservation officer has commented that It is evident from the indicative masterplan that there are no conservation areas or designated heritage assets that will be directly or indirectly affected by the proposed urban extension. The site is sufficiently distanced from the Melton Mowbray / Scalford Conservation Areas that there would be no undue harm caused to the streetscene. They also note 2 Scheduled Ancient Monuments in proximity to

the site, commenting LCC Archaeology input will be required and that as part of any reserved matters submission a Heritage Impact Assessment be undertaken and submitted.

- 8.7.9 LCC Archaeology commented that the site lies in an area of significant archaeological potential, continuing investigations have shown multiple areas of archaeological remains within the application area. On this basis and in line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2, the local planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance.
- 8.7.10 LCC Archaeology, as the LPA's archaeological advisor, have recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve an archaeological excavation of all areas of archaeological remains before their destruction by the proposed development. Further, the Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request. This has been requested by way of a condition which officers consider to be acceptable.
- 8.7.11 The submitted documents clearly identify that while there are no statutorily listed buildings or scheduled ancient monuments on the application site, there are a number of historic remains that of significance. As such the provisions of Melton Local Plan policy EN13 is relevant alongside the provisions of the NPPF.
- 8.7.12 Section 16 of the NPPF relates to the conservation and enhancement of the historic environment, with paragraphs 200 to 204 relating to developments affecting heritage assets while paragraphs 205 to 214 are in respect of considering potential impacts. They seek to assess the significance of any heritage assets that may be affected by a proposal taking account of the desirability of sustaining and enhancing their significance, the positive contributions they can make to sustainable communities and the desirability of new developments making a positive contribution to local character and distinctiveness. They also address the consideration of the level of significance of assets including those which are not designated.
- 8.7.13 The reports submitted as part of the application identify a number of areas where there are non-designated heritage assets which are identified as being of significance. While Historic England did not wish to comment, LCC Archaeology acknowledged their significance before commenting that the impacts of the development on these non-designated assets can be mitigated by way or a condition requiring further investigation and reports on these investigations being provided. Such an approach will ensure appropriate recording of them in a manner then enables their availability for understanding the area further in moving forward. Furthermore, the nature of most being below ground is such that there will be no effect on the positive contributions that the development will have on the character and distinctiveness of the area in its progression as an allocated site. In respect of the disused railway line, this is shown on the indicative plan as being retained and incorporated in the country park / nature reserve area which will see it retained in a manner that is considered to be positive and beneficial from both a heritage asset and an ecological perspective.
- 8.7.14 It is therefore considered that the harm of the development will be less than substantial with the scheme ensuring a combination of retention and recording of these assets so that they will, on balance, represent and result in positive impacts. The proposal therefore complies with the provisions of the NPPF as well as policy EN13 of the Local Plan.

8.8 Ecology, trees and hedgerows

- 8.8.1 As set out in paragraph 2.1 above, the site is located immediately adjacent to Melton Country Park on its western and northern boundaries. The application site currently comprises a number of agricultural fields with hedgerows and trees at a number of locations throughout and in the wider surrounding area to the north, east and west. The land to the east, south and west are also allocated in the Local Plan as development sites that collectively form the Melton North Sustainable Neighbourhood (MNSN).
- 8.8.2 The provisions of the NPPF are relevant as well as Local Plan policies EN1 (landscape) and EN2 (biodiversity and ecology) are relevant.
- 8.8.3 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment including ecology with paragraphs 185 to 188 inclusive relating specifically to habitats and biodiversity. They set out overarching provisions for the conservation and enhancement of ecology and habitats.
- 8.8.4 Policy EN1 relates to landscaping and sets out that new developments be conserved and enhanced by various means including respecting important trees, hedgerows, watercourses and are also sensitive to the sites location including character and appearance.
- 8.8.5 Ecology is specifically addressed in policy EN2 which sets out that the Council will seek net gains for nature, proactively seeking habitat creation while protecting and enhancing existing ecology including contribution to the provision of coherent wildlife networks and creating new habitats while also promoting the preservation, restoration and re-creation of UK priority species.
- 8.8.6 Several ecological documents were submitted as part of the application and supplemented by additional documents following requests with the documents including an ecological enhancement strategy, habitat enhancement plan, biodiversity net gain assessment and calculations, protected species surveys and other surveys. An arboricultural impact assessment was also provided.
- 8.8.7 Natural England assessed the submitted documents and commented that they had no objections to the proposal as they consider that the proposal will not have any significant adverse impacts on designated sites.
- 8.8.8 The Environment Agency were also consulted on the application and commented that they have no objections subject to a number of conditions, some of which specifically relate to protected species and seek to ensure the protection of both the species and their habitats.
- 8.8.9 Leicestershire County Council Ecology, following discussions, requested a number of documents be up-dated by the applicant which was done and on which LCC Ecology were re-consulted.
- 8.8.10 LCC Ecology advised that as a general principle, the proposed use of Melton Country Park as an offsetting site for losses due the development would be welcome. Further that the off-site metric and plans can be provided pre-commencement, and there is a need to illustrate how this will be addressed in a phased development. As such they have no objections subject to conditions being attached with the conditions needing to ensure that a number of ecological items are submitted prior to any implementation and possibly as part of reserved matters applications.
- 8.8.11 The existing use of the site alongside the neighbouring and surrounding agricultural land uses are such that there are a number of ecological species and habitats in existence close to the site. Due to the nature of the development proposed, there will be a direct impact on ecology, trees and hedgerows.

- 8.8.12 From the comments received from the technical consultees as set out in the paragraphs above, as well as in the consultee's responses set out in Section 7 above it can be seen that the implications have been thoroughly assessed by the relevant technical consultees. From these responses, it can also be seen that they are all satisfied that the ecological implications of the development can be mitigated and addressed both thoroughly and appropriately by way of conditions.
- 8.8.13 The Arboricultural Impact Assessment submitted sets out in its conclusions that a further, detailed arboricultural assessment will be required for the reserved matters stage which will provide a greater level of assessment along with full details on works and protection measures to be undertaken. It is considered appropriate to attach a condition to any approval requiring a detailed arboricultural assessment be undertaken and provided as part of any reserved matters submission that includes a detailed assessment of trees and hedgerows alongside works schedule and details on protection measures for retained trees and hedgerows during construction. Such a condition would ensure these features are fully taking into account at the reserved matters stage in the development of the outstanding reserved matters then protected in a manner that ensures those to remain will remain and are protected.
- 8.8.14 Whilst the application is only at outline stage, the technical details provided along with the illustrative details show that there are good levels of protection of sections of existing ecological habitat along with provision of areas capable of adding to the ecological availability in the area. These existing areas of protection would be added to through the enhancement of existing ecological and landscaping features in the site. Officers therefore consider the scheme would, subject to the imposition of conditions on any approval, ensure not only the protection of existing ecological species and features but also positive enhancement to both protected species and their habitats.
- 8.8.15 Although the application was submitted prior to Biodiversity Net Gain legislation coming into effect, the applicant has set out that they are willing to make a financial contribution of £359,200 for ecological enhancement works in the Country Park and to cover emerging nature conservation legislation. This is seen as a significant positive resulting from the development that will help address the ecological impacts from the development in an established Country Park for all to enjoy.
- 8.8.16 By virtue of the nature of the scheme and the elements that comprise the proposed development, there will be an impact on the character and appearance of the area and the landscaping of the area. However, the improvements and enhancement set out and discussed in this section result and contribute to the proposals compliance with not only the NPPF but both policies EN1 and EN2 of the Melton Local Plan.

8.9 **Sports**

- 8.9.1 The description of development includes reference to sports provisions as well as a community hall / changing room pavilion. Resultantly the provisions of policy EN7 on open space, sport and recreation are relevant.
- 8.9.2 This policy sets out that 'Where there are identified local deficiencies in the quantity, accessibility and/or quality of open space, sports and recreational facilities, new residential development of 10 dwellings or more will be required to contribute towards their provision and/or enhancement, in accordance with the table below, subject to viability considerations.'

It continues that with regards to specific requirements being provided in certain areas with partners none of which include this application site.

- 8.9.3 Details of the Sport England consultee responses are set out in Section 7 where following initial comments and subsequent discussions, they have no objections and understand that facilities for sport have been identified in the 'Melton North Sustainable Neighbourhood Master Plan September 2021' and therefore this matter is resolved, with no opportunity for further onsite provision or offsite contributions.
- 8.9.4 Within the Melton North Sustainable Neighbourhood Master Plan an area of space is shown to the eastern end of the illustrative master plan where a large sports pitch is indicated alongside an open area and a couple of other smaller sports pitches. All of these are shown as being situated adjacent to the sports pavilion / community hall and parking to be associated with them.
- 8.9.5 The illustrative masterplan is, as its title suggests, for illustrative purposes only. However, it still serves to show that the sports pitches and sports pavilion / community hall are able to be provided as part of the larger scheme with parking spaces associated with them and their use.
- 8.9.6 In the context of the adopted policy, the provision of the sports pitches, open spaces and the community hall / sports pavilion, if this application is approved the provision of these through the reserved matters stages would ensure the policy is complied with as they would contribute to the delivery of an identified open space and playing field requirement.
- 8.9.7 As such the indication of space being provided through this submission and subsequently through the reserved matters submission, the provisions of policy EN7 of the Local Plan have been met.

8.10 **Impact on residential amenity**

- 8.10.1 Although all matters are reserved in this application, there is a need to ensure that the site can accommodate the development proposed in an acceptable manner and without adverse or detrimental impact on existing or proposed amenities.
- 8.10.2 In respect of amenity, the provisions of Local Plan policy D1 are relevant ensuring that developments do not compromise the amenities of neighbours and neighbouring properties.
- 8.10.3 While the illustrative site masterplan is for illustrative purposes only and no definitive weight can be attached to it, it serves to indicate whether the site can accommodate the development in its entirety and whether there would be impacts on residential amenity.
- 8.10.4 The matter of whether or not the site is capable of accommodating the development has been addressed above in Section 8.5 which found that the site is, in officer's opinion, capable of accommodating that for which permission is sought.
- 8.10.5 Based on the illustrative masterplan showing a potential site layout, one possible arrangement for the location of internal roads, buildings and open spaces can be seen. From an assessment of this layout, the interactions between the various elements within the site can be gauged alongside other proposed buildings and uses as well as existing adjacent and surrounding uses.
- 8.10.6 Having reviewed these details officers are of the opinion that the various elements can be positioned in a manner that will afford the dwellings with good levels of private amenity space and parking while not impacting on the amenities that future occupiers should expect

to enjoy. Further, the constituent elements could be positioned in a manner that also does not impact upon other existing and proposed buildings and uses in an unacceptable manner.

8.10.7 As such the proposal complies with the requirements of the NPPF as well as local plan policy D1 as it will not adversely impacting upon amenity.

8.11 Contributions and Viability

8.11.1 Policies SS5, C1 (a) and C4 and IN3 of the Melton Local Plan all make reference to contributions required on developments of 10 dwellings or more. These local plan policies are also to be read in conjunction with the Developer Contributions SPD dated September 2021.

8.11.2 Policy SS5 relates specifically to the Melton North Sustainable Neighbourhood and includes provision for 15% affordable housing subject to viability while policy C4 provides details more generally in respect of affordable housing provision based on the area where the application site is located. While policy C4 is of relevance, the specifics within policy SS5 take precedent in this instance by virtue of the policy being site specific and clearly defining the affordable housing provision at 15% subject to viability.

8.11.3 The Developer Contributions SPD sets out Melton Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the Borough. It provides guidance to Policy IN3 of the Melton Local Plan and works towards achieving the Council's corporate priority of delivering sustainable and inclusive growth in Melton. Further, the SPD supports delivery of the key infrastructure associated with sustainable growth and to assist Leicestershire County Council to facilitate the Melton Mowbray Distributor Road (MMDR) which is central to this objective.

8.11.4 Table 1 on pages 12 and 13 of the SPD sets out the prioritisation of infrastructure in association with the provisions of policy IN3 and breaks the contributions down into five priority areas with these being Priorities 1, 2A, 2B, 2C and 3 where priority 1 is the most important.

8.11.5 Within the technical consultee responses in Section 7, details can be seen of the contributions sought from the various consultees.

8.11.6 It can also be seen that with regards to the contributions sought by Leicestershire County Council, their most recent figures have been revised so that the amounts sought for priority 1 areas have been lowered with contributions for those at priority 2 or lower removed. The supporting document with this amended request indicates the reductions are in accordance with LCC documents and to enable the provision of 7.5% affordable housing on site (half of the policy requirement).

8.11.7 It is noticeable that there has been a significant increase in contributions sought since the submission of the application (and the other two in the MNSN). This is as a result in increased costs associated the build costs to deliver the MMDR North & East, general build costs, interest rates and inflation which are beyond the control of he LPA, County Council, developer and agents.

8.11.8 Based on the revised contribution requests received in late 2023 / early 2024 (which can be seen on the file), issues of viability were raised by the applicant. A viability appraisal was submitted to the Council and this was then assessed independently by an external consultant appointed by the Council. It was also separately assessed by the County Council.

- 8.11.9 The assessment of the revised contributions sought in late 2023 / early 2024 showed that the development would not be viable, even when only considering Priority 1 contributions alone (education and highways). Clearly this would not be acceptable to the Council as the development is envisaged as a Sustainable Neighbourhood, which should be able to make other contributions in addition to highways and education to enable it to be a 'Sustainable Neighbourhood'. It would also be contrary to the Developer Contributions SPD. The Council does however recognise the significant investment that the County Council is making into Melton in constructing the MMDR N&E, and the substantial further investment that will be required to ensure that the education facilities that are needed will be provided. Officers also did not want to be in a position whereby they would be recommending the application for refusal given its importance to the housing delivery associated with the adopted Local Plan.
- 8.11.10 The most recently revised contributions from LCC Contributions follow a period of discussions and negotiation between officers from Melton Borough Council, Leicestershire County Council and the applicants / agents based on viability issues. The viability issues, covered below under Section 8.12, in summary indicate that the development would be unviable if the full contributions sought were to be provided. Through these discussions a pragmatic approach has been achieved that serves to ensure that development can be delivered in a manner that is viable while also providing contributions in the form of 7.5% affordable housing and financial contributions toward both education and highways.
- 8.11.11 As the application is in outline form only and includes provision for up to 575 dwellings, the contributions relating to highways, education and the NHS will, through the Section 106 agreement, need to be arranged in a 'per dwelling' manner so that should less than 575 dwellings be advanced through the reserved matters applications.
- 8.11.12 The applicant has also indicated they will contribute a sum of £359,200 for ecological enhancement works in the Country Park. This is in order to contribute to the Country Park which is likely to see increased footfall resulting from the development as well as to address Biodiversity Net Gain (BNG) contributions resulting from the loss of habitat that will be seen from the built form.
- 8.11.13 The amended contributions are such that the development would remain viable while also enabling contributions to areas where they are needed (affordable housing, education, highways and the NHS). This approach ensures the development will make a significant contribution to the Borough not only the provision of the various elements of the development including housing targets, but through improvements brought about by these financial contributions.
- 8.11.14 This pragmatic approach has resulted in the scheme now being viable with contributions towards 4 key areas – namely affordable housing, education, highways, the NHS and ecological improvements to Melton Country Park.

8.12 Planning Balance

- 8.12.1 The site is an allocated site within the Melton Local Plan to provide, as part of the larger site allocation for the Melton North Sustainable Neighbourhood, a significant part of the Boroughs identified housing need over the plan period. It is in outline form with all matters reserved. Reserved matters approval will be sought should outline planning permission be granted for this application. This is in accordance with the relevant policies such that the principle of development is acceptable.

- 8.12.2 Consultations have been carried out with all relevant stakeholders including technical consultees. Through negotiation and discussion with relevant technical consultees, all are satisfied that the development is not unacceptable, with any impacts arising from the development being capable of being addressed by way of planning conditions and/or contributions included within a Section 106 agreement.
- 8.12.3 4 letters of objection have been received in response to the consultation, however as set out in Section 7.2, the grounds of the objection are such that they pose no unacceptable or adverse impacts on the ability of the development proposed to be supported.
- 8.12.4 The site will contribute towards housing targets detailed within the Local Plan while also contributing towards sports and open space areas (including built facilities). As part of this, 7.5% affordable housing will be provided alongside financial contributions towards highways, education and primary care in Melton Mowbray.
- 8.12.5 The site, on its own and collectively with the other sites that comprise the MNSN, will not result in any unacceptable highway impacts that cannot be mitigated against by way of condition or financial contribution.
- 8.12.6 Based on the illustrative site plan provided, it can be seen that the site can be developed in a manner that accommodates the development in its entirety including open space, infrastructure and SuDs features. Furthermore, it has been shown that this can be done in a manner that would not adversely impact upon existing or proposed amenity.
- 8.12.7 There will be no unacceptable impacts on ecology, trees or hedgerow while impacts on archaeological heritage assets are less than substantial and can be mitigated against by way of a condition relating to further investigation and recording. Sports provisions are catered for within the scheme, which the adjacent sites to the east and south will rely upon, in a similar way that this site relies upon the provision of the primary school to the east to provide sufficient school places.
- 8.12.8 From the assessment and consideration of the various parts of the development alongside the areas needing to be considered, it can be seen that where any issues exist they can be mitigated against by way of conditions and financial contributions.

9 Conclusion and Reason for Recommendation

- 9.1 The site is allocated in Melton Local Plan under policy SS5 as one of a number that forms part of Melton North Sustainable Neighbourhood to provide a mixed use development with the principle element being residential. It is situated immediately adjacent to Melton Mowbray and to the south of the Melton Mowbray Distributor Road (MMDR) which is currently being constructed to both facilitate the delivery of allocated housing contained within the Local Plan and provide relief to the town from through-traffic. Its position results in it being in a very sustainable location.
- 9.2 Based on the assessment of the scheme against relevant policies, the principle of the development is acceptable in accordance with local plan policies SS1, SS2 and SS5 as well as the NPPF.
- 9.3 An assessment of the illustrative site layout plan provided has been undertaken, and the site has been found to be capable of accommodating all elements of the proposal alongside associated infrastructure including roads, footpaths, cycleways, SuDs features and landscaping. These can all be provided without any unacceptable impacts upon amenities.
- 9.4 Consultation responses from technical consultees have through negotiation, resulted in no objections being raised. Conditions, informatives and Section 106 contributions for 7.5%

affordable housing, education, highways and primary care are sought by the consultees to make the development acceptable in planning terms.

- 9.5 From a highways perspective there will be no detrimental impact through this development on its own or cumulatively taking account of the two other applications on the highway network. The indicative layout shows the provision of appropriate highway, pedestrian and cycle routes as well as dwellings with on-site parking provision being provided. A suitably worded condition will be capable of ensuring parking spaces meet adopted standards through the reserved matters submission.
- 9.6 There are no adverse or detrimental impacts on ecology, flooding or surface water drainage, while good levels of open space will be provided for recreational purposes that will ensure continued green spaces for health benefits and drainage through natural means accompanied by SuDs features. Furthermore, as set out in the arboricultural report provided, further works in respect of the trees and hedgerows on site is required which will include means to ensure the protection of those to be retained.
- 9.7 Whilst heritage assets have been identified in the form of archaeology, the impact on these will be less than substantial with the inclusion of a condition requiring further archaeological works ensuring appropriate investigation, recording and preservation in accordance with the requirements of the appropriate technical consultee.
- 9.8 Through the provisions of policy SS5 and the approved masterplan, the development will, through conditions attached to an outline approval, result in reserved matters submissions ensuring the development will positively contribute to the character and appearance of the area.
- 9.9 The proposal represents an effective use of the land where any impacts can be addressed through the use of conditions and contributions via a Section 106 agreement.

10 Planning Conditions, Contributions and Informatives

Conditions;

- 10.1 Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development to which this permission relates shall begin not later than the expiration of two years from the 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: This application is for outline approval only.
- 10.2 No development shall commence on a phase of development until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") for that phase of development has been obtained from the Local Planning Authority.
- REASON: This application is for outline approval only.
- 10.3 The reserved matters details to be submitted as required by Condition 2 shall be in accordance with parameters contained within the Design Code as approved or any subsequently approved up-dated Design Code for the site.

REASON: For the avoidance of doubt

10.4 The development hereby approved shall be carried out substantially in accordance with the following approved documents;

- Red Line Site Location Plan, drawing number: CSA/3316/134 revision B
- Concept Masterplan, drawing number: CSA/3316/135
- Design and Access Statement
- Design Code

REASON: To ensure the development is implemented in accordance with details submitted to, assessed and considered to be acceptable to the Local Planning Authority and for the avoidance of doubt.

10.5 No development shall commence, other than archaeological investigations, until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.

REASON: To enable the development to be implemented in a phased manner.

10.6 Details of the housing mix shall be submitted as part of reserved matters applications for that phase of development. The development shall then be implemented in accordance with the approved details.

REASON: To ensure that the housing mix reflects that needed.

10.7 Details of the existing ground levels and the proposed ground levels and finished floor levels shall be submitted as part of reserved matters applications for that phase of development. The development shall then be implemented in accordance with the approved details.

REASON: To ensure ground levels of the proposed development are acceptable.

10.8 As part of any reserved matters application(s) for any phase of development that contains footpaths linking the application site to Melton Country Park shall include details and a plan showing the type and style of access to be provided between the application site and the adjacent Melton Country Park. The approved details shall then be implemented in accordance with the agreed details prior to the occupation of 75% of the dwellings in that phase.

Reason: To ensure that access between the application site and the Melton Country Park are, generally in accordance with the Masterplan and Design Code, agreed as part of the detailed layout at reserved matters stage then duly provided by an appropriate stage in the delivery of the development.

10.9 No development above damp proof course (DPC) shall commence until all external materials and site boundary treatments to be used in the relevant phase of development have been submitted to and agreed in writing by the Local Planning Authority. The phase of development shall be carried out in accordance with the approved details unless otherwise agreed.

REASON: To ensure a satisfactory external appearance to the development.

10.10 The parking provision for all uses hereby approved shall be provided as part of the reserved matters application(s) to be submitted and approved as per condition 2 above, and shall be provided in accordance with the highway authority standards at the time of the reserved matters submission(s) being made. The parking spaces shall then be provided as part of

the development prior to the first occupation or use of the building / use to which they are associated and retained thereafter for parking purposes in accordance with that building or use.

REASON: To ensure parking spaces are provided in accordance with relevant highway authority standards and retained thereafter.

- 10.11 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, 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.

REASON: 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.

- 10.12 No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

- 10.13 Details of the proposed treatment of the Public Footpath (E18, Jubilee Way) shall be submitted with each relevant reserved matters application, being land containing or adjoining the Public Footpath. Such a scheme shall include provision for the management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Once approved the development shall be implemented in accordance with the approved details and thereafter retained.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework 2021.

- 10.14 No development shall commence on a phase of development until such time as a surface water drainage scheme for that phase of development, including the long term maintenance of a surface water drainage scheme within the development has been submitted to, and approved in writing by the Local Planning Authority. The phase of development must be carried out in accordance with these approved details, completed prior to first occupation and then maintained in accordance with the approved scheme.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and 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 surface water drainage system (including sustainable drainage systems) within the proposed development.

- 10.15 No development shall commence on a phase of development 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. The

construction of the relevant phase of development must be carried out in accordance with these approved details.

REASON: 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 through the entire development construction phase.

- 10.16 No development approved by this planning permission shall take place until such time as a scheme to provide a bridge or culvert over the Scaford Brook has been submitted to, and approved in writing by, the local planning authority. It shall be demonstrated through hydraulic modelling, that the proposed design will not increase flood risk to third parties, both upstream and downstream of the development site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 10.17 No development shall take place until a Construction Environmental Management Plan (CEMP), detailing how the ecological value of the habitats and species present will be suitably protected, has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The CEMP shall be based upon the information submitted in Chapter 5 of the Ecological Impact Assessment.

REASON: To ensure the protection of wildlife and supporting habitat.

- 10.18 No development shall take until a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens and sports pitches), has been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The LEMP shall be based upon the information submitted in Chapter 5 of the Ecological Impact Assessment.

REASON: To ensure the protection of wildlife and supporting habitat.

- 10.19 No development shall take place until a Tree and Hedgerow Protection Scheme, to include as a minimum a tree survey as well as plans show all trees on site and all trees and hedgerows to be protected and details of how those to be protected will be protected for the duration of the development being constructed, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details with all tree and hedgerow protection measures remaining in-situ until the development has been completed or where the scheme is to be constructed in phases, the respective phase has been completed.

REASON: To ensure the satisfactory identification of trees and hedgerows on the site along with details of the protection of those being retained in the interests of tree, hedgerow and ecological protection in accordance with Local Plan policies EN1 and EN2.

- 10.20 No development shall take place until a scheme for the protection and mitigation of damage to existing ponds, both during construction and once the development is complete, has been submitted to, and agreed in writing by, the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved.

REASON: To protect the ponds within the development site avoid damaging the site's nature conservation value.

- 10.21 No development shall take place until a scheme for the protection and enhancement of the Scalford Brook, both during construction and once the development is complete, has been submitted to, and agreed in writing by, the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved. The plan shall be based on the conclusions of a WFD assessment.

REASON: To secure opportunities for enhancing the site's nature conservation value in line with the Humber RBMP and national planning policy.

- 10.22 No development shall take place until a scheme detailing how the Himalayan balsam located on the site shall be prevented from spreading during construction, has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with a timetable for implementation as approved.

REASON: To prevent the spread of invasive non-native species into the wild

- 10.23 No development shall take place until a plan detailing the protection of water vole and otter, species protected under the Wildlife and Countryside Act 1981 (as amended) and their associated habitats, has been submitted to the Local Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The protection plan shall be carried out in accordance with a timetable for implementation as approved. The scheme shall be based upon the mitigation measures stated in Chapter 5 of the Ecological Impact Assessment.

REASON: To protect water vole and otter and their habitats within the development site, and to avoid damaging the site's nature conservation value.

- 10.24 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

- 10.25 To protect future occupiers of the development from road traffic noise a scheme should be submitted as part of reserved matters applications that ensures all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] is subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme should ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

For external amenity spaces a scheme should be submitted to the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field].

REASON: In the interests of protecting the amenities of future occupiers and users of the development.

- 10.26 A scheme detailing all floodlighting and external lighting shall be submitted as part of reserved matters applications. The scheme should include details on the light source (height, position/angle, columns etc.), time of use, lighting levels and intensity footprint, glare and spillage, cut off times, sky glow, maintenance programme etc. Once approved the development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To ensure external lighting does not have any unacceptable or detrimental impact on occupiers of the dwellings nor the wider ecological setting.

- 10.27 No demolition/development shall take place/commence until a written scheme of investigation (WSI) for archaeology has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

-The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

-The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

REASON: To ensure satisfactory archaeological investigation and recording.

- 10.28 A Heritage Impact Assessment shall be undertaken and submitted with the first reserved matters application to the Local Planning Authority, assessing the reserved matters against nearby Scheduled Ancient Monuments (SAM). The development shall be undertaken in accordance with the approved details.

REASON: To ensure the satisfactory assessment and impact on nearby heritage assets.

- 10.29 Details, including management plan for the community building, and drawings of the potential community, retail and/or health area buildings shall be submitted as part of the reserved matters submissions for the relevant phase(s) in which they are to be located. Full details of materials shall also be provided. The development shall then be implemented in accordance with the approved details.

REASON: To ensure that the details for these elements of the development are considered alongside the other elements of the development and ensure they are acceptable.

- 10.30 Details of the provision and management of the playing pitch(es) to be provided as part of the development shall be provided prior to the 1st occupation of the development. The development shall then be implemented in accordance with the agreed details with their provision prior to the occupation of 50% of the dwellings approved as part of the development.

REASON: To ensure the details and management plan for the playing pitches are acceptable with their provision at an appropriate point in the delivery of the development.

10.31 Details of the locally equipped area of play (LEAP) shall be submitted to the as part of the reserved matters submission for the phase of development in which it is to be located with the details to be provided including long term management and maintenance. The development shall be implemented in accordance with the agreed details prior to the completion of the phase of development in which it is located.

REASON: To ensure the equipment to be provided are acceptable.

10.32 Details of the green buffer for Melton Country Park shall be provided as part of reserved matters submission for that phase of the development. It shall then be implemented in accordance with agreed details and approved masterplan.

REASON: To ensure that the details of the green buffer around the Country Park will fit in with and enhance the setting and ecological benefits of the Country Park.

10.33 **Informatives;**

10.34 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

10.35 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

10.36 The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk.

10.37 Prior to construction, measures should be taken to ensure that users of the Public Footpath are not exposed to any elements of danger associated with construction works.

10.38 The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

10.39 The Public Footpath must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

10.40 If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

10.41 Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

10.42 No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of

a Public Right of Way and the County Council may be obliged to require its immediate removal.

- 10.43 For the condition in 11.15 above the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
- 10.44 For the condition in 11.16 above details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 10.45 For the condition in para 11.17 above details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
- 10.46 The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- -on or within 8 metres of a main river (16 metres if tidal)
 - -on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - -on or within 16 metres of a sea defence
 - -involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - -in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 10.47 Chapter 5 of the EIA includes a number of mitigation measures relating to the protection of legally protected species. Failure to apply these measures could result in the applicant being liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended).

10.48 Chapter 5 of the EIA includes a number of mitigation measures relating to the protection or legally protected species. Failure to apply these measures could result in the applicant being liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended).

11 Financial Implications

11.1 None

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

12.1 Legal and Governance issues are considered and assessed within the report. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

13 Background Papers

13.1 Melton NSN Masterplan Overarching Report



Planning Committee

10 December 2024

Report of: Assistant Director for Planning

Proposal: 21/00989/OUT Outline planning application (with all matters reserved apart from access) for the residential development of up to 175 dwellings with associated landscaping, allotments, community orchard, play area, open space and infrastructure.

Site: Field OS 5316 And 4210, Scalford Road, Melton Mowbray

Applicant: William Davis Ltd

Planning Officer: Richard Redford

Report Author:	Richard Redford , Team Leader
Report Author Contact Details:	01664 502338 richardredford@melton.gov.uk
Chief Officer Responsible:	Sarah Legge , Assistant Director for Planning
Chief Officer Contact Details:	01664 502380 slegge@melton.gov.uk

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Margaret Glancy, Cllr Simon Lumley, Cllr Tim Webster
Date of consultation with Ward Member(s):	19 November 2021
Exempt Information:	No

Reason for Committee Determination:

The application is referred to Planning Committee as it raises matters which in the opinion of the Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) is likely to raise matters which should be referred to the Planning Committee.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QY3DV6KOMZY00>

RECOMMENDATION(S)

1. Approval subject to conditions as listed in detail at Section 10 of this report, informatives and a Section 106 legal agreement with the following provisions:

- 7.5% affordable housing with a 50:50 split between 1st homes and affordable rented housing;
- £103,400.00 toward Melton Country Park for use towards improvements and ecological legislation requirements;
- £146,742.75 still toward primary care in Melton for the NHS;

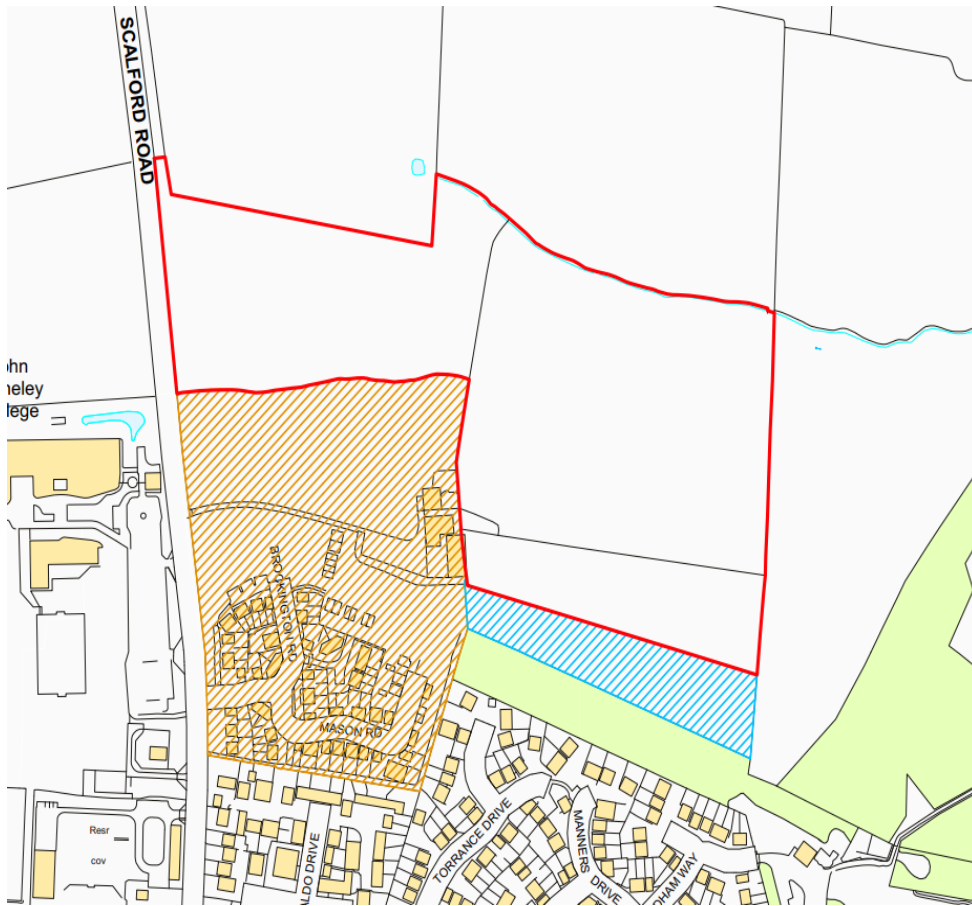
2. LCC Education contribution comprising:

- £207,363.79 towards Brownlow Primary School;
- £1,679,356.76 toward primary education on a “per dwelling” amount equating to £9596.32 per dwelling;
- £590,006.04 towards secondary education on a “per dwelling” basis equating to £3,371.46 per dwelling;
- £87,333.19 towards post 16 education on a “per dwelling” basis equating to £499.05 per dwelling; and
- £74,396.68 towards SEND education on a “per dwelling” basis equating to £425.12 per dwelling.

3. LCC Highway Authority contribution comprising;

- £1,588,271.54 towards strategic road improvements to be provided on a “per dwelling” approach equating to £9,075.83 per dwelling; and
- A Construction Traffic Routing Agreement.

1 Executive Summary



- 1.1 Outline planning permission with access (and all other matters are reserved) is sought for the residential development of up to 175 dwellings with associated landscaping, allotments, community orchard, play area, open space and infrastructure on 3 parcels of land currently used for agricultural purposes. The sites are immediately to the north of Melton Mowbray, east of Scaford Road and south of the Melton Mowbray Distributor Road (MMDR) which is currently under construction.
- 1.2 The application site forms part of a larger master planned area designated in the Melton Local Plan to provide the Melton North Sustainable Neighbourhood (MNSN) where the provisions of policy SS5 are relevant. Due to this allocation within the Local Plan, the development is acceptable in principle in accordance with policies SS1, SS2 and SS5, is in a highly sustainable location and will contribute positively toward the significant delivery of identified housing need within the Borough alongside other uses.
- 1.3 From a highway's perspective, there are also 2 other planning applications currently being considered that are situated adjacent to this site (references 21/00973/OUT and 21/01198/OUT) with the Highway Authority having assessed each individually and cumulatively to ensure a thorough, detailed assessment of the highway implications have been undertaken. These assessments have indicated that the proposals will not have any unacceptable impacts upon highway or pedestrian safety subject to appropriate conditions and contributions through a Section 106 Agreement being associated with any approval.
- 1.4 It has been shown from the indicative site layout plan provided that the site is capable of accommodating the various elements that form the development and is able to do so in a manner that does not result in any adverse or detrimental impacts upon amenity.

Furthermore, it has also been established that it is within the site's ability to accommodate the proposed development, this includes provision for the relevant parking standards.

- 1.5 Based on the assessment of the development against the relevant policies and taking account of technical consultee responses and letters of objection / representation received, officers are satisfied that the development does not result in any issues beyond less than substantial on archaeology across the site, nor will there be any impacts upon trees, hedgerows, ecology, flooding and drainage that cannot be mitigated by way of conditions.
- 1.6 Contributions have been sought towards the development to mitigate the impacts of the development. Following the assessment and consideration of the contributions sought, a viability appraisal has been provided showing that based on the initial amounts sought the development would be unviable. Notwithstanding this, significant amounts of work have been undertaken between those seeking the contributions. As a result, amended contributions have been sought for affordable housing, education, highways and the NHS that will enable the development to be viable whilst also positively contributing to the Borough in a way that complies with policies.
- 1.7 The application is therefore recommended for approval subject to a Section 106 agreement, conditions and informatives.

Main Report

2 The Site

- 2.1 The application site currently comprises agricultural fields bordered by hedgerows and a small number of trees dispersed within the hedgerows. Ground levels fall from Scalford Road into the site and beyond in an easterly direction.
- 2.2 To the south of the site is the existing edge of Melton Mowbray while to the west, on the opposite side of Scalford Road, is John Fernley College (secondary school) beside which new housing is currently being constructed. To the north and east of the site are other agricultural fields although the North and East Melton Mowbray Distributor Road, MMDR, is currently under construction on land north of the application site. The fields directly to the north of this site are being considered for development under application reference 21/00973/OUT.
- 2.3 At present fields border the site although as set out in 2.4 and 2.5 below, the Melton Mowbray Distributor Road is being constructed while other Local Plan designations exist adjacent to the sites eastern edge and beyond in an easterly direction.
- 2.4 The North and East Melton Mowbray Distributor Road (N&E MMDR) is currently under construction to the north of this site.
- 2.5 The site is one of a number of sites allocated in the Melton Local Plan for development. To the immediate north and east of the application site is another Local Plan allocation where the applicant is Barwood Development Securities Ltd (21/00973/OUT for 575 dwellings, community, retail and/or health uses (F2(a), F2(b), E(e) provision of medical or health services), community hall/changing rooms pavilion (F1(e) public halls or exhibition halls, F2 local community), green infrastructure including strategic landscaping, sports playing pitch and children's play areas, sustainable urban drainage and engineering works). Beyond this and to the east of the Barwood site is the remainder of the MNSN allocation where Taylor Wimpey are the applicants (21/01198/OUT). That applications seeks outline consent with all matters reserved (apart from access) for construction of a residential-led mixed use

development to provide up to 480 dwellings (market and affordable housing), potential land for an additional new primary school, open space, landscaping, new vehicular access points from Melton Spinney Road and adjacent consented Taylor Wimpey Development and associated infrastructure.

3 Planning History

- 3.1 The site forms part of an approved Masterplan for the Melton North Sustainable Neighbourhood. The Masterplan can be viewed online here: [Approved North SN Masterplan | localplan](#)
- 3.2 The site's planning history is limited to the following;
- 20/01232/EIA – EIA Screening Opinion Request (cumulative impacts) for Melton North Sustainable Neighbourhood (part), land between Scalford Road and Melton Spinney Road – EIA Not Required 27.11.2020

4 Proposal

- 4.1 The application seeks outline planning approval with access (the other matters of layout, scale, appearance and landscaping are reserved) for the residential development of up to 175 dwellings with associated landscaping, allotments, community orchard, play area, open space and infrastructure.
- 4.2 In addition to the drawings submitted, which include detailed drawings for the access as well as indicative drawings showing how the site could be developed, a variety of supporting documents have been provided. The documents provided include a design code, design and access statement, archaeological assessment, ecological assessment, other ecological reports, flood risk assessment and transport statement.
- 4.3 Following the submission, and in response to consultation responses, a viability appraisal has been provided for assessment and consideration.

5 Amendments

- 5.1 Through the processing of the application, a number of additional and amended documents have been provided in respect of matters including highways and flooding.
- 5.2 These are dealt with in detail further on in this report.

6 Planning Policy

6.1 National Policy

6.1.1 National Planning Policy Framework (NPPF 2023)

6.1.2 National Planning Policy Guidance

6.2 Melton Local Plan

6.2.1 Policy SS1 – Presumption in Favour of Sustainable Development

6.2.2 Policy SS2 – Development Strategy

6.2.3 Policy SS5 – Melton Mowbray North Sustainable Neighbourhood

6.2.4 Policy C1(A) – Housing Allocations

- 6.2.5 Policy C2 – Housing Mix
- 6.2.6 Policy C3 – National Space Standards and Smaller Dwellings
- 6.2.7 Policy C4 – Affordable Housing
- 6.2.8 Policy C9 – Healthy Communities
- 6.2.9 Policy EN1 – Landscape
- 6.2.10 Policy EN2 – Biodiversity and Geology
- 6.2.11 Policy EN6 – Settlement Character
- 6.2.12 Policy EN7 – Open Space, Sport and Recreation
- 6.2.13 Policy EN8 – Climate Change
- 6.2.14 Policy EN9 – Ensuring Energy Efficiency and Low Carbon Development
- 6.2.15 Policy EN11 – Minimising the Risk of Flooding
- 6.2.16 Policy EN12 – Sustainable Drainage Systems
- 6.2.17 Policy EN13 – Heritage Assets
- 6.2.18 Policy IN2 – Transport, Accessibility and Parking
- 6.2.19 Policy IN3 – Infrastructure Contributions and Community Infrastructure Levy
- 6.2.20 Policy D1 – Raising the Standard of Design

6.3 **Neighbourhood Plan**

6.4 There is no Neighbourhood Plan for this area.

6.5 **Other**

- 6.5.1 Housing Mix and Affordable Housing SPD
- 6.5.2 Developer Contributions SPD
- 6.5.3 Melton North Sustainable Neighbourhood Masterplan (approved Oct, 2021)

6.6 **Heritage Legislation**

6.6.1 The Local Planning Authority has a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable weight should be applied to these duties even in cases where any identified resultant harm would be less than substantial.

6.6.2 Paragraph 203 of the latest version of the NPPF published in December 2023 is also a significant material consideration in this case and in relation to matters of heritage interest this states that, in determining applications for planning permission and listed building consent, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.6.3 Paragraph 205 of the Framework further requires that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm would amount to substantial harm, total loss or less than substantial harm to its significance.

6.6.4 6.5.4 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 207 goes on to state that in cases where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.7 **Masterplan**

6.7.1 The overall area of land that comprises the Melton North Sustainable Neighbourhood is covered by a Masterplan document that was approved by the Council on 13th October 2021. An overarching report has been provided to the committee which sets out how the masterplan was prepared, and its status in determining planning applications.

6.7.2 Undertaken alongside the Design Code, it was prepared in collaboration between the various applicants on the planning applications alongside Leicestershire County Council and Melton Borough Council with the intention of helping guide future planning applications for the site. It serves to provide an understanding of the characteristics and context of the site; a vision and set of development objectives that underpin future development; the principles of design, layout and infrastructure provision the developments are expected to deliver; a concept masterplan that provides visual representation of the aspirations of the development; and delivery and phasing strategy.

6.7.3 Given the clear interaction between this application and the two other outline applications being considered – 21/00973/OUT and 21/01198/OUT – it is important to ensure connectivity between the 3 planning applications given they all draw from the contents of the masterplan.

6.7.4 This approach supports and reflects the combined approach taken between the applicants, Melton Borough Council and Leicestershire County Council in the preparation and subsequent adopted of the masterplan by the Council. It also shows the positive commitment of all parties, as shown through the progression of the planning application, to work in order to address matters where they have arisen to ensure the development is capable of being supported.

7 **Consultation Responses**

7.1 **Summary of Technical Consultation Responses for full and previous comments please visit the website**

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QY3DV6KOMZY00>

7.1.1 National Highways 28.01.2022

a) Have no objections to the proposal.

7.1.2 Historic England 07.09.2021

a) Do not wish to offer any comment on the submission having assessed the submitted documents, and suggestion the LPA consult its archaeological advisor.

7.1.3 NHS 29.06.2022

a) Up-dated contribution request of £146,742.75 still toward a second GP surgery in Melton

7.1.4 Natural England 02.09.2021

a) Having assessed the submission, Natural England have no comments to make on the application.

7.1.5 Sport England 25.01.2022

a) Have no objections to the scheme.

7.1.6 LCC Archaeology 10.01.2021

a) Have no objections to the proposal subject to conditions being attached to any approval.

7.1.7 LCC Contributions 27.09.2024

a) Up-dated contributions request taking account of viability and that previously requested:

MBC Priority Order	Service	Description	LCC's Full Request	% of Total LCC Ask	% Total of P1 and P2a Ask	VA Affordable Request
1	Early Years	Brownlow Primary School	£275,340	4.49%	4.91%	£207,363.79
1	Education	Primary Education	£2,229,869.00	36.40%	29.92%	£1,679,356.76
1	Education	Secondary Education	£783,416.73	12.79%	10.51%	£590,006.04
1	Education	Post 16 Education	£115,962.00	1.89%	1.56%	£87,333.19
1	Education	SEND Education	£98,784.76	1.61%	1.33%	£74,396.68
1	Highways	Strategic Road Improvements	£2,108,925.00	34.43%	37.58%	£1,588,271.54
2c	Waste	Melton Mowbray HWRC	£14,465.50	0.24%		
2c	SST	Travel Packs	£9,248.75	0.15%		
2c	SST	Bus Passes	£178,500.00	2.91%		
2c	SST	STARS	£6,000.00	0.10%		
2c	SST	Public Transport Strategy	£300,228.25	4.90%		
3	Libraries	Melton Mowbray Library	£5,284.60	0.09%		
		Total	£6,126,024.59			£4,226,728.00

7.1.8 LCC Ecology 28.09.2022

a) Comment that further information is needed in respect of BNG off-setting in the form of a final biodiversity metric.

7.1.9 LCC Ecology 01.10.2021

a) Has no objections to the development subject to conditions.

7.1.10 LLFA 04.11.2021

a) No objections subject to conditions.

7.1.11 LCC Highways 05.03.2024

a) In its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2023), subject to the conditions and planning obligations.

7.1.12 **MBC Conservation Officer 2.12.2024**

- a) No objections to the principle of development.
- b) The works are considered to be acceptable and will not cause undue harm to the character of the Melton conservation area, in accordance with Para 212 of the NPPF. The setting of the SAM will not be harmed through the outline consent, in accordance with Para 208 of the NPPF and Local Plan Policy EN13.

7.1.13 **MBC Environmental Health 19.11.2021**

- a) No objections subject to a condition requiring details of noise protection being submitted.

7.2 **Summary of Representations**

7.2.1 **Ward Member(s)**

7.2.2 No representations or comments have been received from Ward Members.

7.2.3 **Salford Parish Council 04.04.2024**

7.2.4 Object to this application on the grounds that it does not comply with the Melton Mowbray town plan.

7.2.5 **Neighbours**

7.2.6 2 letters of objection, along with 1 letter neither supporting or objecting have been received from 2 different addresses

7.2.7 The summary of comments are as follows;

- a) It does not comply with the Melton Town Plan.
- b) The MMDR is not shown so more detail is required

7.3 **Response to Consultations and Representations**

7.3.1 In response to the letter that neither supports nor objects commenting that the MMDR is not shown so more details are required, the Design Code makes reference to the MMDR alongside the other developments that comprise the Northern Sustainable Neighbourhoods in a drawing form. While the level of detail in this drawing is very generic and broad, there is no need for a high level of details for the MMDR to be provided (it does not form part of this application, and is not adjacent to the site).

7.3.2 With regards to the objection that it does not comply with the Melton Town Plan, the response does not state how it is considered to be non-complaint. There is no 'Melton Town Plan' therefore officers consider that the objection refers to the Melton Local Plan. The development will be assessed against the relevant Melton Local Plan policies below.

8 **Planning Analysis**

8.1 **Main Considerations**

8.1.1 Principle of development

8.1.2 Highways

8.1.3 Housing mix and space standards

8.1.4 Ability of the site to accommodate the development

8.1.5 Flooding and drainage

- 8.1.6 Heritage including archaeology
- 8.1.7 Ecology, trees and hedgerows
- 8.1.8 Sports Provision
- 8.1.9 Impact on amenities
- 8.1.10 Contributions and Viability
- 8.1.11 Planning Balance

8.2 Principle of Development

- 8.2.1 Policies SS1 and SS2 of the Melton Local Plan seek to ensure that development is situated in appropriate locations and in a manner that reflects and supports sustainable development within the Borough.
- 8.2.2 The provisions of policy SS1 sets out 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. 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.”

- 8.2.3 Following on from this, policy SS2 provides details on the delivery of housing within the Borough across the life of the Local Plan and within the policy provisions it details

“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.”

- 8.2.4 While the application site itself is not located within the existing Melton Mowbray built up area, which is the most sustainable location within the Borough, it is situated immediately adjacent to its boundary. Given the need to deliver significant numbers of dwellings in order to meet the identified housing need, the development of Sustainable Neighbourhoods in strategic locations is key to this key objective being met. Officers consider a location immediately adjacent to the main built up area as being very appropriate and reasonable, especially given that this was supported by the Inspector in the Local Plan examination through the consideration and subsequent acceptance of policy SS5.
- 8.2.5 Consequently, the provisions of policy SS5 – Melton Mowbray North Sustainable Neighbourhood – are key to achieving housing targets and delivery. The policy sets out the requirements across the entire sustainable neighbourhood including at least 1500 homes of which 15% should be affordable subject to viability, a range of tenure, types and sizes as per the provision of policy C2 alongside extra care housing. These are alongside small-scale employment, community facilities in the form of a primary school, financial

contributions and an accessible local centre including shops and offices as well as transport improvements, heritage asset protection and environmental improvement.

- 8.2.6 The inclusion of policy SS5 in the local plan, which relates in part to the area covered by this application, on a larger parcel of land beside the main built up Melton Mowbray area provides a clear indication that not only is the principle of the MNSN acceptable, but it is also acceptable in this location.
- 8.2.7 In association with the provisions of these policies, policy C1(a) sets out housing allocations across the Borough with the first allocation being that of the Melton North Sustainable Neighbourhood (MNSN) with a capacity of at least 1500 dwellings. This application site forms part of the MNSN site with the 175 dwellings proposed as part of this scheme contributing to the overall target of at least 1500.
- 8.2.8 From these policies it can be seen that whilst the site is not inside the existing built form of Melton Mowbray, it is immediately adjacent to it and is designated for a mix of uses with the primary use being housing. Furthermore, it forms part of a larger designation that will contribute at least 1500 dwellings alongside other uses and infrastructure and as such are factors that carry significant weight in terms of the delivery of housing, other uses and associated infrastructure.
- 8.2.9 On this basis, the development is considered to be acceptable in principle with its overall acceptability, or otherwise, as set out in the following sections and headings. It therefore complies with the provisions of policies SS1, SS2, SS5, C1 (a) and C2 of the Local Plan.

8.3 Highways

- 8.3.1 Policy SS5 of the Melton Local Plan relates specifically to the application site as part of the larger allocation while policy IN2 also relates to all developments in respect of transport, sections T1 and T2 deal with matters specific to highway provisions within the context of the overarching aims of policy SS5.
- 8.3.2 As set out in paragraphs 2.4 and 2.5 above the Melton Mowbray Distributor Road (MMDR) is being constructed to the north of the application site (to the north of 21/00973/OUT) and runs in an east-west arcing direction. This is being constructed in order to enable the development proposed here, and in the other Sustainable Neighbourhood applications, are served by the necessary and appropriate road infrastructure.
- 8.3.3 Within policy SS5 there is a specific section relating to highways matters, setting out that a comprehensive package of transport improvements will be required including a strategic road link as part of the MMDR, measures to mitigate the impacts of the development on the strategic road network where impacts are identified, and provision of new walking and cycling links as part of the development.
- 8.3.4 The provisions of policy IN2 relate to transport, accessibility and parking detailing that;
‘The Council and its delivery partners will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport.
- All new developments should, where possible, have regard to all the following:*
- 1. Be located where travel can be minimised and the use of sustainable transport modes maximised;*

2. *Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, dedicated walking and cycling links and cycle storage/parking links and integration with existing infrastructure;*
3. *Seek to generate or support the level of demand required to improve, introduce or maintain public transport services, such as rail and bus services;*
4. *Do not unacceptably impact on the safety and movement of traffic on the highway network or that any such impacts can be mitigated through appropriate improvements;*
5. *Support the enhancement of existing or proposed transport interchanges such as the railway stations at Melton Mowbray and Bottesford; and*
6. *Provide appropriate and effective parking provision and servicing arrangements.'*

- 8.3.5 This application is one of three current applications being considered within the larger site area covered by Local Plan policy SS5. Through the formal consultation with the Highway Authority, they assessed the applications individually and cumulatively to ensure a holistic approach and assessment has been undertaken. On the basis of this assessment they commented that in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2023), subject to the conditions and planning obligations.
- 8.3.6 The Highway Authority detailed that the impacts of the development could be mitigated through financial contributions – aimed mainly towards assisting in the delivery of the MMDR – as well as conditions relating to details. The conditions sought are acceptable. In respect of the contributions sought, these are assessed at in sections 8.11 and 8.12 below.
- 8.3.7 Due to the outline nature of the application being considered here, an illustrative plan has been provided showing how the site could be developed to accommodate the full extent of the development proposed. It indicates the provision of parking spaces in association with the dwellings and other uses where relevant. In order to ensure sufficient parking spaces are provided as part of the development a condition requiring spaces be provided in accordance with the current standards as part of the reserved matters submission is considered necessary.
- 8.3.8 Officers consider the assessment of the proposals highway impacts has been undertaken in a thorough manner by the Highway Authority who have assessed the proposal on its own as well as cumulatively taking account of the two other outline planning applications being considered. Such an approach is reflective of the nature and scale of the development proposed here as well as in the context of the larger scheme so as to ensure that cumulative impacts have been assessed, therefore ensuring appropriate mitigation can be factored in.
- 8.3.9 The Highway Authority has requested financial contributions and conditions be attached to any approval by way of Section 106 agreement and conditions on any approval. An assessment of the conditions requested has indicated that they would meet the 6 tests for conditions and therefore be acceptable to be attached to any approval. Turning to the contributions sought, these are addressed in section 8.11 below alongside contributions sought from other consultees.
- 8.3.10 Officers are, on the basis of the Highway Authority comments and the LPA's assessment of highway matters (based on the Highway Authority comments), of the opinion that the proposal would not result in any unacceptable or detrimental impact on the highway network that would justify a refusal. Where there are impacts these can be mitigated by way of conditions and financial contributions. As such the provisions of Local Plan policy IN2 as well as t1 and t2 within SS5 will be met.

8.4 Housing Mix and Size Standards

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to
- *‘manage the delivery of a mix of house types, tenures 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 8 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’*
- 8.4.3 As set out in 8.4.2 above, the purpose of Local Plan policy C2 is to ensure a housing mix across developments that is reflective of the prevailing needs at the time of applications being submitted and determined. As this current application seeks only outline permission for the development, officers consider it reasonable to attach a condition to any approval relating to the submission and agreement of the housing mix prior to the submission of any reserved matters application for the dwellings. Such a condition will ensure that the housing mix is agreed based on what is identified at the point in time the details are provided to then be used in the subsequent reserved matters application(s).
- 8.4.4 Turning to the size of the dwellings to form part of the proposal through reserved matters submissions, assuming an approval is issued on this outline application, Local Plan policy C3 details that;
- *‘Residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms. For affordable housing, schemes using the Housing Quality Indicators standards will be supported.’*
- 8.4.5 As all matters have been reserved (with the exception of access) no details are available with regards to the sizes of the dwellings proposed. Officers do not consider this to be a particular issue as a condition can be attached to any approval requiring the dwellings meet or exceed the size standards contained within this policy. Such an approach would provide the developers with the standards to be used in the dwellings to be built and therefore ensure future owners and occupiers of the dwellings benefit from dwellings of sizes that are acceptable.
- 8.4.6 On the basis that the imposition of conditions will enable the housing mix to be agreed and space standards to be met, officers are satisfied the requirements of Local Plan policies C2 and C3 will be complied with.

8.5 Ability of the site to accommodate the development

- 8.5.1 Whilst the proposed layout of the development is not being considered as part of this outline planning application, there is a need to assess the proposal to establish if the site is capable of accommodating the development as set out in the planning application’s description. In this assessment the provisions of Local Plan policies EN1, EN6 and D1 are relevant as well as policy C9.

- 8.5.2 With regards to policy EN1, it sets out that the landscape and countryside be conserved and where possible enhanced through a variety of means including ensuring new developments are sensitive to the landscape settings, respect landscape features and don't have unacceptable adverse effects on sense of place.
- 8.5.3 Policy EN6 relates to settlement character and sets out that
'Development proposals will be supported where they do not harm open areas which: 1. contribute positively to the individual character of a settlement; 2. contribute to the setting of historic built form and features; 3. contribute to the key characteristics and features of conservation areas; and 4. form a key entrance and/or gateway to a settlement. Development proposals will also be supported where they do not harm individual features of a settlement which contribute towards settlement character as identified in a Neighbourhood Plan, including non-designated heritage assets'.
- 8.5.4 Local Plan policy D1 relates to raising the standard of design, with it requiring all new developments should be of high quality design before setting out the areas they will be assessed against which includes:
- siting and layout being sympathetic to the character of the area;
 - new development should meet basic urban design principles;
 - amenity of neighbours and neighbouring properties should not be compromised;
 - sustainable means of communication and transportation should be used where appropriate;
 - existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development; and
 - proposals including appropriate, safe connection to the existing highway network.
- 8.5.5 Furthermore, the provisions of policy C9 on healthy communities are considered relevant. This policy sets out that new developments should make positive contributions towards a number of different promoters of health and wellbeing including good quality green, public space, sports and recreational facilities, safe, convenient and attractive footpaths and roads including cycleways, and 'healthy homes' which have good natural light, decent space (internal and external) and are adaptable.
- 8.5.6 As part of the application a number of relevant documents have been provided including a Design Code as well as a Design and Access Statement.
- 8.5.7 Within the Design and Access Statement it is set out how the proposal will comply with the requirements of Local Plan policy SS5 as well as the Design Code. It covers a range of areas including roads, street frontages, green edges and areas, and the use of character frontages amongst other things.
- 8.5.8 The Design Code submitted provides a co-ordination between the three sites across the allocation, and sets out a number of points to which the applications will adhere. It sets these as follows;
- a) Illustrative Streetscape Character Frontages Plan with a series of site wide design instructions based on the key character frontages of different street typologies with these supported by a highway matrix design;
 - b) Detailed design guidance in relation to the four character frontages;

- c) Followed by design guidance in relation to the seven character areas identified on the Key Character Areas Plan; and
- d) Open space and detailed guidance with regards to external appearance, children's play provision, designing out crime, access for all in the public realm, sustainable construction, SuDs strategy and levels.

- 8.5.9 Both the Design Code and the Design and Access Statement have been used to develop the illustrative site layout as well as the visual impacts drawing.
- 8.5.10 An illustrative masterplan has been provided as part of the application that sets out how the various elements of the development, including infrastructure and open areas, can be sited within the application site. The arrangement shows a main access road running through the site from west to east off which secondary roads are accessed. This road layout enables access into other adjacent sites alongside potential pedestrian and cycle connectivity. From this layout the dwellings are arranged in a manner that shows private amenity space and areas for parking (although parking and bedroom numbers are not detailed as these would be dealt with at reserved matters stage if this application is approved).
- 8.5.11 An assessment of this indicative layout shows that the site can accommodate the various elements which comprise the development proposed. Not only this, but the site can accommodate the various elements with the dwellings shown as having private amenity areas alongside parking spaces.
- 8.5.12 The key to the illustrative masterplan indicates further details of items to form part of the development being provided on the site as well as other existing features on land outside of the application site which are to be connected to through the likes of footpaths and cycle routes. The provision of such features not only improves connectivity within the site but also beyond it to adjacent sites and beyond. This approach contributes to healthy communities are required through policy C9.
- 8.5.13 On the illustrative layout plan, it also shows adjacent sites including existing dwellings to the south. From the assessment of the proposed indicative plan against the existing dwellings, there is a good separation distance between them alongside landscaping which not only is sufficient to ensure no adverse impacts upon their amenity but also serves to show the development can be accommodated on the site in a manner reflective of existing adjacent dwellings where the dwellings are set away from the site boundary.
- 8.5.14 Officers consider that the submitted documents clearly show that the various elements of the development proposed and set out in the description of development can be accommodated on the site. The illustrative master plans shows these elements alongside the associated infrastructure and roads in a manner that establishes all of the relevant elements of the development can be provided and are capable of being provided in a manner that would not result in any adverse or detrimental impacts being raised within the site or from the site on to adjacent sites.
- 8.5.15 The application therefore complies with the provisions of the NPPF as well as Local Plan policies EN1, EN6, C9 and D1.

8.6 **Flooding and Drainage**

- 8.6.1 The site is located in Flood Zone 1 which is an area at low risk of fluvial flooding.
- 8.6.2 As part of the original submission a Flood Risk Assessment (FRA) was provided and subsequently up-dated. This amended document makes a number of recommendations including that finished floor levels are no lower than existing external levels to mitigate

against potential surface water flood risk; foul flows will be discharged to the existing foul sewer to the south of the site with some of the dwellings needing to drain to a pumping station due to topography and that for the purposes of the report it has been assumed soakaways and similar infiltration methods will not be viable.

- 8.6.3 Within the Local Plan the provisions of policies EN11 on Minimising the Risk of Flooding and EN12 on Sustainable Drainage Systems are both relevant alongside the contents of the NPPF.
- 8.6.4 Policy EN11 sets out that the Council will ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others through its working in partnership with the appropriate agencies (the Environment Agency, Leicestershire County Council as Lead Local Flood Authority, Internal Drainage Boards, Severn Trent & Anglian Water and the Canal and River Trust), developers and landowners.
- 8.6.5 The provisions of policy EN12 set that 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.
- 8.6.6 The initial response from the Lead Local Flood Authority (LLFA) indicated that further work was required on the submitted documents which was duly undertaken, submitted and re-consulted on. In the subsequent consultation response the LLFA set out that the applicant had submitted a new version of the Flood Risk Assessment and drainage strategy which has corrected the site discharge rate to 28.5l/s to reflect the area being drained. It continued that attenuation volumes have also increased to facilitate this change by deepening the attenuation basins rather than increasing their footprint. It was also noted that pervious paving had been highlighted to be feasible, however that it was commented that pervious pavers would be subject to developer agreement in detailed design. On the basis of these comments the LLFA have no objections to the proposal subject to conditions and informatives being attached to any approval.
- 8.6.7 Officers are pleased to see that initial concerns raised have been addressed and that the LLFA have no objections subject to conditions and being attached to any approval.
- 8.6.8 Based on the assessment of the amended documentation provided by the LLFA and their response, officers consider the proposal will not impact on flooding and site drainage. This is supported through the provision of sustainable drainage systems within the development as shown on the indicative site layout plan provided.
- 8.6.9 On this basis the proposal complies with the provisions of policies EN11 and EN12 of the Local Plan.

8.7 **Heritage including archaeology**

- 8.7.1 Local Plan policy EN13 relates specifically to heritage and details that:

‘The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.’

- 8.7.2 It continues and sets out the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through a number of means.

- 8.7.3 Section 6.3 above sets out the national position with regards to heritage taking account of both legislation and the NPPF with regards to the impacts of developments on heritage assets taking account of the level of harm posed by the development.
- 8.7.4 An archaeological assessment was submitted as part of the application and concludes that *'there are no designated or recorded heritage assets in the study area and that the proposed development will have no impact upon any designated heritage assets'*.
- 8.7.5 In order that this report be assessed, Leicestershire County Council Archaeology were consulted and a response received indicating that in accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).
- 8.7.6 They continue that while the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. This is on the basis that the NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
- 8.7.7 In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording.
- 8.7.8 The MBC Conservation officer has assessed the proposal and submitted documents, commenting that the works are considered to be acceptable and will not cause undue harm to the character of the Melton conservation area, in accordance with Para 212 of the NPPF. The setting of the SAM will not be harmed through the outline consent, in accordance with Para 208 of the NPPF and Local Plan Policy EN13. They also request a condition requiring the submission of a Heritage Impact Assessment be submitted as part of any reserved matter scheme to ensure the finer details take account of the nearby Scheduled Ancient Monument (SAM).
- 8.7.9 The submitted documents clearly identify that while there are no statutorily listed buildings or scheduled ancient monuments on the application site, based on the response from LCC Archaeology, it can be seen that given the potential for heritage assets to be in situ as archaeological remains. It is also shown that an investigation of the site resulting from any approval being issued on this application would enable full investigation, assessment and recording. Such an approach does, from an officer's perspective, indicate that while there may be heritage assets on the site, any harm to them can be mitigated against as a result of the condition which suggests any harm would be less than substantial.
- 8.7.10 It is therefore considered that the harm of the development will be less than substantial with the scheme ensuring a combination of retention and recording of these assets so that they will, on balance, represent and result in positive impacts. The proposal therefore complies with the provisions of the NPPF as well as policy EN13 of the Local Plan.

8.8 Ecology, Trees and Hedgerows

- 8.8.1 The provisions of the NPPF are relevant as well as policies EN1 (landscape) and EN2 (biodiversity and ecology).
- 8.8.2 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment including ecology with paragraphs 185 to 188 inclusive relating specifically to habitats and biodiversity. They set out overarching provisions for the conservation and enhancement of ecology and habitats.
- 8.8.3 Policy EN1 relates to landscaping and sets out that new developments be conserved and enhanced by various means including respecting important trees, hedgerows, watercourses and are also sensitive to the sites location including character and appearance.
- 8.8.4 Ecology is specifically addressed in policy EN2 which sets out that the Council will seek net gains for nature, proactively seeking habitat creation while protecting and enhancing existing ecology including contribution to the provision of coherent wildlife networks and creating new habitats while also promoting the preservation, restoration and re-creation of UK priority species.
- 8.8.5 A number of ecological documents were submitted as part of the application and subsequent to consultation responses being received. Current documents comprise an ecological assessment, Great Crested Newt assessment, biodiversity net gain metrics, ecological enhancement strategy and a proposed ecological enhancement plan for Melton Country Park. It should be noted that while biodiversity net gain documents have been submitted, the application was submitted prior to the date where the biodiversity net gain legislation became effective in requiring ecological improvements.
- 8.8.6 Initial comments from LCC Ecology set out that the proposed application will result in significant removal of habitats, including grassland with it not having been demonstrated that the development will provide net-gains in biodiversity, as required in the NPPF (2021). Net gain calculations were therefore required to demonstrate that biodiversity net gain will be achieved prior to determination of the application and that it should also include a biodiversity improvement plan to show how any losses will be met and a plan that shows where any mitigation/compensation will take place, although detailed landscape plans aren't required at this stage. Consequently, the biodiversity net gains and associated documents were provided even though the legislation was not in force.
- 8.8.7 On these documents, LCC Ecology were satisfied the proposal would result in a BNG uplift through works being undertaken within the Melton Country Park subject to conditions being attached to any approval.
- 8.8.8 In association with this, and notwithstanding the viability matters addressed below under the heading in section 8.11 below, the applicant has agreed to make a financial contribution of £103,400.00 towards the improvement of Melton Country Park and Biodiversity Net Gain within the country park.
- 8.8.9 In respect of the BNG contributions relating to Melton Country Park, and taking account of the assessments in 8.11 and 8.12 below, it is important to note that the application is technically excluded from being required to secure BNG improvements. This is due to the fact that the application was submitted before BNG legislation came into effect and the legislation specifically precluding already submitted applications from having to comply with BNG legislation.
- 8.8.10 However, and notwithstanding the fact that they are not required to contribute toward BNG, the contribution offered will contribute to the wider improvement of a key area which is likely to have greater usage resulting from the development. It will also contribute towards addressing loss of habitat resulting from the proposed development. This, alongside

consideration of the indicative site location plan, shows that the site is capable of accommodating the development including the provision of wider landscaping and the provision of an area of allotments. Such measures will ensure that the development still affords opportunities for ecological improvements. It is also of note that the indicative site plans shows connections into wider area by way of footways and cycle paths while also showing connections to the Melton Country Park thus ensuring minimal ecological losses and also contributing towards enhancements.

8.8.11 Furthermore, there is scope for existing trees and hedgerows to be retained in a manner that serves to minimise the loss of ecological habitats therefore ensuring continued ecological benefits.

8.8.12 Overall the proposal complies with the requirements of local plan policies EN1 and EN2.

8.9 Sports Provision

8.9.1 Within the description of development, as taken from the application form, no reference is made to any formal recreational space. Notwithstanding this, the scale of the development proposed is such that there may be increased demand for use of sports facilities.

8.9.2 Therefore, the provisions of policy EN7 on open space, sport and recreation are relevant.

8.9.3 This policy sets out that 'Where there are identified local deficiencies in the quantity, accessibility and/or quality of open space, sports and recreational facilities, new residential development of 10 dwellings or more will be required to contribute towards their provision and/or enhancement, in accordance with the table below, subject to viability considerations.' It continues that with regards to specific requirements being provided in certain areas with partners none of which include this application site.

8.9.4 A summary response of the Sport England consultee responses are set out in Section 7 above. Within their second response they set out that due to the number of dwellings, and potential occupiers, there would likely be increased demand for use of facilities. Therefore, contributions were advised to be sought in association with the delivery of facilities.

8.9.5 Within the Melton North Sustainable Neighbourhood Master Plan submitted as part of planning application 21/00973/OUT, an area of space is shown to the eastern end of the illustrative master plan where a large sports pitch is indicated alongside an open area and a couple of other smaller sports pitches. All of these are shown as being situated adjacent to the sports pavilion / community hall and parking to be associated with them. The illustrative masterplan is, as its title suggests, for illustrative purposes only. However, it still serves to show that the sports pitches and sports pavilion / community hall are able to be provided as part of the larger scheme with parking spaces associated with them and their use. From this it can be seen that sport facility provision is catered for within the wider development of the MNSN sites through the provision of land and buildings to facilitate them. On this basis the non-provision of land on the application site or provision of financial contributions is not an issue due to provision elsewhere in the larger site.

8.9.6 This position has also been relayed to Sports England who, in their third and final set of comments, acknowledged the position and had no objections to the development proposed.

8.9.7 Therefore, officers consider that provision has been made for the delivery of sport and recreational facilities to serve the development as a whole. As such the requirements of policy EN7 are considered to have been met.

8.10 **Impact on residential amenity**

- 8.10.1 Although all matters relating to layout, scale, massing and landscaping are reserved in this application, as explained earlier in this report, there is a need to ensure that the site can accommodate the development proposed in an acceptable manner and without adverse or detrimental impact on existing or proposed amenities.
- 8.10.2 In respect of amenity, the provisions of Local Plan policy D1 are relevant and require that developments do not compromise the amenities of neighbours and neighbouring properties.
- 8.10.3 While the illustrative site masterplan is for illustrative purposes only and no definitive weight can be attached to it, it serves to indicate whether the site can accommodate the development in its entirety and whether there would be impacts on residential amenity.
- 8.10.4 The matter of whether or not the site is capable of accommodating the development has been addressed above in Section 8.5 which found that the site is, in officer's opinion, capable of accommodating that for which permission is sought.
- 8.10.5 Based on the illustrative masterplan showing a potential site layout, one possible arrangement for the location of internal roads, buildings and open spaces can be seen. From an assessment of this layout, the interactions between the various elements within the site can be gauged alongside other proposed buildings and uses as well as existing adjacent and surrounding uses.
- 8.10.6 Having reviewed these details officers are of the opinion that the various elements can be positioned in a manner that will afford the dwellings with good levels of private amenity space and parking while not impacting on the amenities the future occupiers could expect to enjoy. Further, the constituent elements could be positioned in a manner that also does not impact upon other existing and proposed buildings and uses in an unacceptable manner.
- 8.10.7 As such the proposal complies with the requirements of the NPPF as well as local plan policy D1 as it will not adversely impacting upon amenity.

8.11 **Contributions and Viability**

- 8.11.1 Policies SS5, C1 (a), C4 and IN3 of the Melton Local Plan all make reference to contributions required on developments of 10 dwellings or more. These local plan policies are also to read in conjunction with the Developer Contributions SPD dated September 2021.
- 8.11.2 The Developer Contributions SPD sets out Melton Borough Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the Borough. It provides guidance to Policy IN3 of the Melton Local Plan and works towards achieving the Council's corporate priority of delivering sustainable and inclusive growth in Melton. Further, the SPD supports delivery of the key infrastructure associated with sustainable growth and to assist Leicestershire County Council to facilitate the Melton Mowbray Distributor Road (MMDR) and related which is central to this objective.
- 8.11.3 Table 1 on pages 12 and 13 of the SPD sets out the prioritisation of infrastructure in association with the provisions of policy IN3 and breaks the contributions down into 5 priority areas with these being Priorities 1, 2A, 2B, 2C and 3 where priority 1 is the most important.
- 8.11.4 Within the technical consultee responses in Section 7, details can be seen of the contributions sought from the various consultees. The whole file (which can be viewed online) demonstrates the progression of the amounts sought to take account of the passage of time from submission to presentation of this report to the Planning Committee.

- 8.11.5 As can be seen from Section 7 financial contributions have been sought by the NHS for GP / primary care, and Leicestershire County Council towards highways, education, libraries and civic amenities of varying amounts. The amounts sought have increased over the duration the application has been with the LPA and over which it has been worked on. These contributions are in addition to the suggested 15% affordable housing set out in Local Plan policy SS5 to cover the larger MNSN site as a whole. In association with the comments made by LCC Ecology regarding improvements for ecological purposes, the applicant has offered a financial contribution for use towards improvements (general and ecological) at Melton Country Park which will sit alongside the others sought.
- 8.11.6 The increase in contributions sought from the technical consultees has been as a result in increases in costs associated with developments and inflation which are beyond the control of the LPA's, developers and agents.
- 8.11.7 Notwithstanding the increase in the contributions sought, the requests have been provided to the applicant and agent who have, following assessments of the amounts sought, undertaken a viability assessment of the development. The conclusion of the assessment has been that with the contributions sought the scheme would not be viable if all were provided or even if only the two Tier 1 contributions (highways and education) were provided in their entirety.
- 8.11.8 The applicant's viability appraisal was independently assessed. The independent assessment concluded the scheme would not be viable with the contributions sought, following which a number of different scenarios were looked at to establish points at which contributions could be made to provide some affordable housing alongside NHS contributions and those sought by LCC and toward Melton Country Park. This was undertaken due to the strategic nature of the site, allocated in the local plan to provide a significant proportion of identified housing needs alongside other requirements in order to facilitate the creation of a 'sustainable neighbourhood'.
- 8.11.9 Consequently, discussions took place between MBC officers and officers from Leicestershire County Council in respect of the contributions they had sought and the outcomes of the viability appraisal submitted. The viability appraisal was also assessed separately by LCC. On the basis of these discussions, and in order to help ensure the development on this allocated site is capable of meeting the overall aims and objectives of the Local Plan, the contribution amounts sought by LCC were amended so that Tier 1 contributions are to be made but at a level that enables the scheme to be viable and thus contribute to the locality and Borough.
- 8.11.10 As a result of these other scenarios being assessed, a point was reached whereby it was established that 7.5% affordable housing (comprising a split of First Homes and affordable rented properties) was able to be provided alongside the NHS contribution, country park contribution and reduced contributions towards both highways and education from those sought by LCC. Other lower priority contribution requests have been withdrawn, such as civic amenity and libraries.
- 8.11.11 Due to the outline nature of the application, it was also established that the financial contributions would be set out on a 'per dwelling' basis should, at reserved matters stage, the number of actual dwellings to be built fall below the 'up to' limit of 175 dwellings proposed in the application.
- 8.11.12 The amended contributions are such that the development would remain viable while also enabling contributions to areas where they are needed (affordable housing, education, highways and the NHS). This approach ensures the development will make a significant

contribution to the Borough, not only the provision of the various elements of the development including housing targets, but through improvements brought about by these financial contributions.

8.11.13 On the basis that discussions and negotiations have taken place to enable the development proposed to be viable while still making contributions to the key areas of affordable housing, the NHS, education and highways, the development is compliant with the provisions of local plan policies SS5, C1(a), C4 and IN3 as well as the Developer Contributions SPD.

8.12 **Planning Balance**

8.12.1 The site is an allocated site within the Melton Local Plan to provide, as part of the larger site allocation for the Melton North Sustainable Neighbourhood, a significant part of the Boroughs identified housing need over the plan period. It is in outline form with access being considered and all other matters reserved for reserved matters approval should outline planning permission be granted for this application. This is in accordance with the relevant policies such that the principle of development is acceptable as set out in policies SS1, SS2 and SS5 of the local plan.

8.12.2 Consultations have been carried out with all relevant stakeholders including surrounding residents and technical consultees. Through negotiation and discussion with relevant technical consultees, all are satisfied that the development is not unacceptable with any impacts arising from the development being capable of being addressed by way of planning conditions and / or contributions included within a Section 106 agreement.

8.12.3 3 letters of objection have been received, however as set out in Section 7.3, the grounds of the objection are such that they pose no unacceptable or adverse impacts on the ability of the development proposed to be supported.

8.12.4 The site will contribute towards housing targets detailed within the Local Plan while also contributing towards open space and allotment provision. As part of this, 7.5% affordable housing will be provided alongside financial contributions towards highways, education, the Country Park and the NHS within the Borough.

8.12.5 The site, on its own and collectively with the other sites that comprise the MNSN, will not result in any unacceptable highway impacts that cannot be mitigated against by way of condition or financial contribution.

8.12.6 Based on the illustrative site plan provided, it can be seen that the site can be developed in a manner that accommodates the development in its entirety including open space, infrastructure and SuDs features. Furthermore, it has been shown that this can be done in a manner that would not adversely impact upon existing or proposed amenity.

8.12.7 There will be no unacceptable impacts on ecology, trees or hedgerow while impacts on archaeological heritage assets are less than substantial and can be mitigated against by way of a condition relating to further investigation and recording. Sports provisions are catered for within the wider scheme.

8.12.8 From the assessment and consideration of the various parts of the development alongside the areas needing to be considered, it can be seen that where any issues exist they can be mitigated against by way of conditions and financial contributions.

9 Conclusion and Reason for Recommendation

- 9.1 The site is allocated in Melton Local Plan under policy SS5 as one of a number that forms part of Melton North Sustainable Neighbourhood to provide a mixed use development with the principle element being residential. It is situated immediately adjacent to Melton Mowbray and to the south of the Melton Mowbray Distributor Road (MMDR) which is currently being constructed to facilitate the delivery of allocated housing contained within the Local Plan. Its location results in it being in a very sustainable location.
- 9.2 Based on the assessment of the scheme against relevant policies, the principle of the development is acceptable in accordance with local plan policies SS1, SS2 and SS5 as well as the NPPF.
- 9.3 An assessment of the illustrative site layout plan provided shows that the site has been found to be capable of accommodating all elements of the proposal alongside associated infrastructure including roads, footpaths, cycleways, SuDs features and landscaping. These can all be provided without any unacceptable impacts upon amenities.
- 9.4 Consultation responses from technical consultees have through negotiation, resulted in no objections being raised. Conditions, informatives and Section 106 contributions for 7.5% affordable housing, education, highways and the NHS are sought by the consultees to make the development acceptable.
- 9.5 From a highways perspective there will be no detrimental impact through this development on its own or cumulatively taking account of the two other applications on the highway network. The indicative layout shows the provision of appropriate highway, pedestrian and cycle routes as well as dwellings with on-site parking provision being provided with a condition being capable of ensuring parking spaces meet adopted standards through the reserved matters submission.
- 9.6 There are no adverse or detrimental impacts on ecology, flooding or surface water drainage while good levels of open space will be provided for recreational purposes that will ensure continued green spaces for health benefits and drainage through natural means accompanied by SuDs features. Furthermore, as set out in the arboricultural report provided further works in respect of the trees and hedgerows on site is required which will include means to ensure the protection of those to be retained.
- 9.7 While heritage assets have been identified in the form of archaeology, the impact on these will be less than substantial with the inclusion of a condition requiring further archaeological works ensuring appropriate investigation, recording and preservation in accordance with the requirements of the appropriate technical consultee.
- 9.8 Through the provisions of policy SS5, the development will through conditions attached to an outline approval result in reserved matters submissions ensuring the development will positively contribute to the character and appearance of the area.
- 9.9 The proposal represents an effective use of the land where any impacts can be addressed through the use of conditions and contributions through a Section 106 agreement.
- 9.10 In conclusion the proposal complies with the provisions of the NPPF as well as all of the relevant local plan policies. The access arrangements are, as set out in the response from the Highway Authority acceptable, while impacts resulting from the scheme can be addressed by way of a combination of planning conditions and Section 106 contributions relating to affordable housing, education, highways, the Country Park and the NHS.
- 9.11 The application is therefore recommended for approval subject to a section 106 agreement, conditions and informatives.

10 Planning Conditions

10.1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin no 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: This application seeks outline permission with access only.

10.2 No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

REASON: The application is in outline with all matter except access reserved for later approval.

10.3 The development shall be carried out in accordance with the following documents and drawings;

Site Location Plan (DE364_001A)

Proposed Site Access (A103208-1-TTE-00-XX-D-SK-001 P01)

REASON: For the avoidance of doubt.

10.4 The reserved matters details to be submitted as required by Condition 2 shall be in general accordance with parameters contained within the Design and Access Statement and Design Code as approved or any subsequently approved up-dates for the site.

REASON: For the avoidance of doubt.

10.5 The landscape scheme to be submitted through Condition 2 as a reserved matter shall include both hard and soft landscaping detail. A programme of implementation will be agreed and approved by the Local Planning Authority prior to occupation of the development. 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.

REASON: To ensure that landscaping to be submitted and approved is provided when required and to provide a reasonable period for the replacement of any planting.

10.6 Details of the housing mix shall be submitted with the reserved matters submission and agreed in writing by the LPA.

REASON: To ensure that the housing mix reflects that needed.

10.7 No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and

-The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

-The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until the post-investigation assessment has been fulfilled in accordance with the programme set out in the WSI and the provision for analysis, publication and dissemination of results and archive deposition have been secured.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

- 10.8 A Heritage Impact Assessment shall be undertaken and submitted with the first reserved matters application to the Local Planning Authority, assessing the reserved matters against nearby Scheduled Ancient Monuments (SAM). The development shall be undertaken in accordance with the approved details.

REASON: To ensure the satisfactory assessment and impact on nearby heritage assets.

- 10.9 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.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 10.10 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.

REASON: 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 through the entire development construction phase.

- 10.11 No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

REASON: 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 surface water drainage system (including sustainable drainage systems) within the proposed development.

- 10.12 No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, 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.

REASON: 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.

- 10.13 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Tetra Tech drawing number A103208-1-TTE-00-XX-D-SK-0001 Revision P01, 'Site Access Preliminary Design - Geometry' have been implemented in full.
REASON: 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 (2023).
- 10.14 No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.
REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2023).
- 10.15 The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Scalford Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).
- 10.16 No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).
- 10.17 No development shall commence until existing and proposed finished floor levels condition for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
REASON: To ensure ground levels of the proposed development are acceptable.
- 10.18 All external materials and site boundary treatments to be used in the development will be submitted to and agreed with the reserved matters submission. The development shall be carried out in accordance with the approved details unless otherwise agreed.
REASON: To ensure a satisfactory external appearance to the development.
- 10.19 Details of parking provision for all uses hereby approved shall be provided as part of the reserved matters application to be submitted and approved as per condition 2 above and shall be provided in general accordance with the standards at the time of the reserved matters submission(s) being made. The parking spaces shall then be provided as part of the development prior to the first occupation or use of the building / use to which they are associated and retained thereafter for parking purposes in accordance with that building or use.

REASON: To ensure parking spaces are provided in accordance with relevant standards and retained thereafter.

- 10.20 No development shall take place until reports detailing the ecology mitigation measures set out in the Ecological Assessment (W57.17g Rev B), Great Crested Newt District Level Licencing Impact Assessment (DLL-ENQ-LEIC-00009), Biodiversity Net Gain Assessment (4578_07_A) and Ecological Enhancement Strategy (4578_10_C) have first been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be implemented in full accordance with the approved details.

REASON: To ensure the satisfactory protection of protected species throughout the implementation of the approved development and subsequently.

- 10.21 No development shall commence until a Landscape And Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority that includes a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The development shall then be carried out in accordance with the approved details.

REASON: To ensure the careful protection and management of the landscape and ecology on the site.

- 10.22 To protect future occupiers of the development from road traffic noise a scheme should be submitted to support the reserved matters submission that ensures all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] is subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme should ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows.

REASON: In order to ensure the amenities of future occupiers of the dwellings are not adversely impacted upon by way of unacceptable noise levels.

- 10.23 For external amenity spaces a scheme should be submitted to the Local Planning Authority to provide that the maximum day time noise level in outdoor living areas exposed to external road traffic noise shall not exceed 50 dBA Leq 16 hour [free field].

REASON: In the interests of amenity.

- 10.24 Prior to the occupation of the 85th dwelling a detailed plan showing the layout of the allotments and an associated management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved detail and the allotments provided prior to the occupation of the 125th dwelling.

REASON: To ensure details relating to the allotments and its management are provided and implemented.

- 10.25 Prior to the occupation of the 85th dwelling a detailed plan showing the layout of the community orchard and an associated management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved detail and the community orchard provided prior to the occupation of the 125th dwelling.

REASON: To ensure details relating to the community orchard and its management are provided and implemented.

- 10.26 Prior to the occupation of the 85th dwelling a detailed plan and information showing the open space and play details shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved detail and the open space and play details being provided prior to the occupation of the 125th dwelling.

REASON: To ensure details relating to the open space and play equipment are provided and implemented.

10.27 **Informatives;**

- 10.28 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

- 10.29 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

- 10.30 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

- 10.31 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

- 10.32 The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

- 10.33 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information

please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

- 10.34 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 10.35 The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

11 Financial Implications

- 11.1 None

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

- 12.1 Legal and Governance issues are considered and assessed within the report. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

13 Background Papers

- 13.1 Melton NSN Masterplan Overarching Report

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