



**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**

<b>Report Author:</b>	<b>Richard Redford</b> , Team Leader
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<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Margaret Glancy, Cllr Simon Lumley, Cllr Tim Webster
<b>Date of consultation with Ward Member(s):</b>	19 November 2021
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

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

**Web Link:**

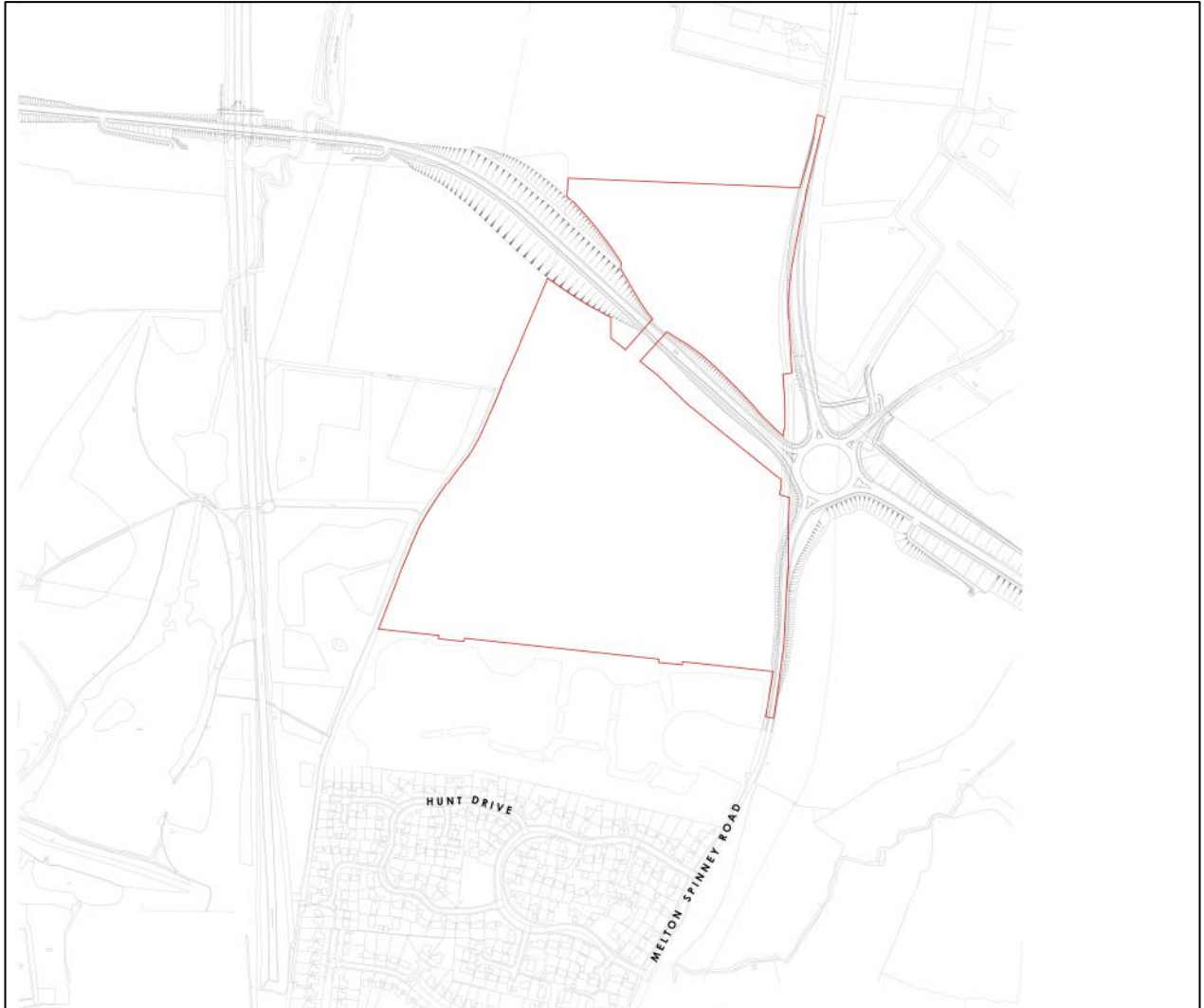
<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**What 3 words:**

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

<b>RECOMMENDATION(S)</b>
<p>1. Approval subject to conditions as listed in detail at Section 10 of this report, informatives and the following Section 106 contributions;</p> <ul style="list-style-type: none"><li>• 7.5% affordable housing with a 50:50 split between first homes and affordable rent;</li><li>• £404,494.40 toward primary care;</li><li>• £3,779,995.67 to LCC Highways toward strategic road improvements (MMDR);</li><li>• £489,401.28 to LCC Education toward Brownlow Primary School;</li><li>• £3,959,067.91 and 2ha land for LCC Education toward primary education;</li><li>• £1,412,250.74 LCC Education toward secondary education;</li><li>• £202,074.45 LCC Education toward post 16 education;</li><li>• £177,095.85 LCC Education toward SEND education; and</li><li>• £20,000-£30,000 passive provision of a signal crossing over the MMDR.</li></ul>

# 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 13<sup>th</sup> 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%		
		<b>Total</b>	<b>£16,732,373.77</b>			<b>£10,019,850.00</b>

**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 Salford 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 Salford Road during the peak periods. The modelling also indicated that the combined development traffic on traffic flows and journey times along Salford 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](mailto: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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