



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

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

**Applicant: Barwood Development Securities Ltd**

**Planning Officer: Richard Redford**

<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>	26 August 2021
<b>Exempt Information:</b>	No

**Reason for Committee Determination:**

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

**Web Link:**

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

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

**RECOMMENDATION(S)**

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

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

# 1 Executive Summary



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

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

## **Main Report**

### **2 The Site**

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

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

### **3 Planning History**

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

### **4 Proposal**

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

## **5 Amendments**

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

## **6 Planning Policy**

### **6.1 National Policy**

- 6.1.1 National Planning Policy Framework (NPPF 2023)

- 6.1.2 National Planning Policy Guidance

### **6.2 Melton Local Plan**

- 6.2.1 Policy SS1 – Presumption in Favour of Sustainable Development

- 6.2.2 Policy SS2 – Development Strategy

- 6.2.3 Policy SS5 – Melton Mowbray North Sustainable Neighbourhood

- 6.2.4 Policy C1(A) – Housing Allocations

- 6.2.5 Policy C2 – Housing Mix

- 6.2.6 Policy C3 – National Space Standards and Smaller Dwellings

- 6.2.7 Policy C4 – Affordable Housing

- 6.2.8 Policy C9 – Healthy Communities

- 6.2.9 Policy EN1 – Landscape

- 6.2.10 Policy EN2 – Biodiversity and Geology

- 6.2.11 Policy EN6 – Settlement Character

- 6.2.12 Policy EN7 – Open Space, Sport and Recreation

- 6.2.13 Policy EN8 – Climate Change

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

- 6.2.15 Policy EN11 – Minimising the Risk of Flooding

- 6.2.16 Policy EN12 – Sustainable Drainage Systems

- 6.2.17 Policy EN18 – Heritage Assets

- 6.2.18 Policy IN1 – Melton Mowbray Transport Strategy

- 6.2.19 Policy IN2 – Transport, Accessibility and Parking

- 6.2.20 Policy IN3 – Infrastructure Contributions and Community Infrastructure Levy

- 6.2.21 Policy D1 – Raising the Standard of Design

### **6.3 Neighbourhood Plan**

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

### **6.4 Other**

- 6.4.1 Housing Mix and Affordable Housing SPD

- 6.4.2 Developer Contributions SPD



6.4.3 Melton North Sustainable Neighbourhood Masterplan (approved October 2021)

## 6.5 Heritage Legislation

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

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

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

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

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

## 6.6 Masterplan

6.6.1 The overall area of land that comprises the Melton North Sustainable Neighbourhood is covered by a Masterplan document that was approved by the Council on 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.

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

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

## **7 Consultation Responses**

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

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

#### **7.1.1 LCC Highway 5.03.2024**

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

#### **7.1.2 LCC Contributions 15.11.2024**



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

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

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

#### 7.1.3 LCC Archaeology 10.09.2021

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

#### 7.1.4 LCC Ecology 27.10.2022

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

#### 7.1.5 LCC Forestry

- a) No comments received.

#### 7.1.6 Lead Local Flood Authority 05.04.2022

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

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

#### 7.1.7 **MBC Environmental Health 19.11.2021**

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

#### 7.1.8 **MBC Conservation Officer 2.12.2024**

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

#### 7.1.9 **MBC Housing Officer**

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

#### 7.1.10 **Environment Agency 28.10.2021**

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

#### 7.1.11 **Severn Trent Water**

- a) No comments received.

#### 7.1.12 **National Highways 23.11.2021**

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

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

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

#### 7.1.13 **Historic England 07.09.2021**

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

#### 7.1.14 **Designing Out Crime Officer**

a) No comments received.

#### 7.1.15 **Natural England 04.10.2021**

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

#### 7.1.16 **NHS 29.06.2022**

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

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

#### 7.1.17 **Sport England 25.01.2022**

a) No objections.

### 7.2 **Summary of Representations**

#### 7.2.1 **Ward Member(s)**

a) No comments have been received from Ward Members.

#### 7.2.2 **Scaford Parish Council 30.03.2022**

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

#### 7.2.3 **Neighbours**

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

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

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

### 7.3 **Response to Consultations and Representations**

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

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

## 8 **Planning Analysis**

### 8.1 **Main Considerations**

8.1.1 Principle of development

8.1.2 Highways

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

## 8.2 **Principle of Development**

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

8.2.2 The provisions of policy SS1 sets out that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

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

“When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with polices in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.”

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

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

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

### 8.3 Highways

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



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

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



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

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

## 8.4 Housing Mix and Size Standards

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to
- *'manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 8 or in any future update of the housing mix evidence. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough including extra care and accessible housing, having regard to the latest evidence of housing need. Residential developments which include bungalows will be particularly supported'*
- 8.4.3 The application form submitted details that the number of bedrooms per dwelling are at present unknown. This is due to the outline nature of the application. While the Viability Appraisal provided is based on a number of assumptions relating to dwelling size, specific numbers of bedrooms are not known at this stage.
- 8.4.4 As set out in 8.4.2 above, the purpose of Local Plan policy C2 is to ensure a housing mix across developments that is reflective of the prevailing needs at the time of applications being submitted and determined. As this current application seeks only outline permission for the development, officers consider it reasonable to attach a condition to any approval relating to the submission and agreement of the housing mix prior to the submission of any reserved matters application for the dwellings. Such a condition will ensure that the housing mix is agreed based on what is identified at the point in time the details are provided to then be used in the subsequent reserved matters application(s).
- 8.4.5 Turning to the size of the dwellings to form part of the proposal through reserved matters submissions, assuming an approval is issued on this outline application, Local Plan policy C3 details that;
- *'Residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms. For affordable 60 Melton Local Plan, October 2018 Chapter 5: Melton's*

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

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

## 8.5 Ability of the site to accommodate the development

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

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

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

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

## 8.6 **Flooding and Drainage**

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

- 8.6.2 The provisions of Local Plan policy EN11, relating to minimizing the risk of flooding, is relevant. This policy sets out that the Council will work with other parties to minimise the risk of flooding as well as that proposals needing to demonstrate capacity within the foul water sewerage network, or that capacity can be made available prior to the occupation of the development, as well as that proposals for flood management or other infrastructure offering improvements that lower the risk of flooding will be supported, subject to the proposal not resulting in an increase in flood risk elsewhere.
- 8.6.3 Further, policy EN12 relates to Sustainable Drainage Systems setting out that
- *‘For major developments, proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding allowing for climate change effects. Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands near watercourses and the introduction of blue green corridors. For SuDS techniques which are designed to encourage infiltration, a site-specific infiltration test will be required to ensure that the water table is low enough.’*
- 8.6.4 The policy continues detailing
- *‘All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using ‘green roofs’. All developments on greenfield sites will be expected to achieve greenfield run-off rates.’*
- 8.6.5 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) were consulted on the application with the consultation response from the EA indicating they had no objections to the proposal subject to both conditions and informatives being attached to any approval.
- 8.6.6 A number of flood and drainage related documents were submitted as part of the application on which the Lead Local Flood Authority, LLFA, initially commented the documents as submitted are insufficient for them to provide a substantive response at this stage. Their response also set out what additional information was required in order to provide a substantive response that was subsequently provided along with a technical assessment and on which the LLFA were re-consulted.
- 8.6.7 On the basis of the technical addendum provided by the applicants, the LLFA commented that due to being an outline application the use of planning conditions are advised to be acceptable for the LLFA at this stage. Therefore, the LLFA have no objection to the development subject to conditions and informatives being attached to any approval.
- 8.6.8 The illustrative masterplan submitted as part of the scheme makes provision for the inclusion of SuDs features within the application site. Policy EN12 of the Local Plan relates to Sustainable Urban Drainage (SuDs) and sets out that *“For major developments, proposals should demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding allowing for climate change effects.”*
- 8.6.9 Due to the nature of the masterplan drawing provided as being illustrative, no specific details on the SuDs have been provided. The conditions sought by the LLFA relate to surface water which will complement and work in association with the SuDs features. Conditions



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

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

## 8.7 Heritage including Archaeology

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

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

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



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

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

## 8.8 Ecology, trees and hedgerows

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

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

## 8.9 **Sports**

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

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

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

## 8.10 **Impact on residential amenity**

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

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

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

## 8.11 Contributions and Viability

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

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

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

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

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

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

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

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



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

## 8.12 Planning Balance

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



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

## **9 Conclusion and Reason for Recommendation**

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

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

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

## **10 Planning Conditions, Contributions and Informatives**

### **Conditions;**

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

REASON: For the avoidance of doubt

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

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

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

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

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

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

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

- 10.15 No development shall commence on a phase of development until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The

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

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To ensure satisfactory archaeological investigation and recording.

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

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

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

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

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

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

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

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

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

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

10.33 **Informatives;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **11 Financial Implications**

11.1 None

**Financial Implications reviewed by: N/A**

## **12 Legal and Governance Implications**

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

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **13 Background Papers**

13.1 Melton NSN Masterplan Overarching Report