



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

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

**Applicant: William Davis Ltd**

**Planning Officer: Richard Redford**

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

**Reason for Committee Determination:**

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

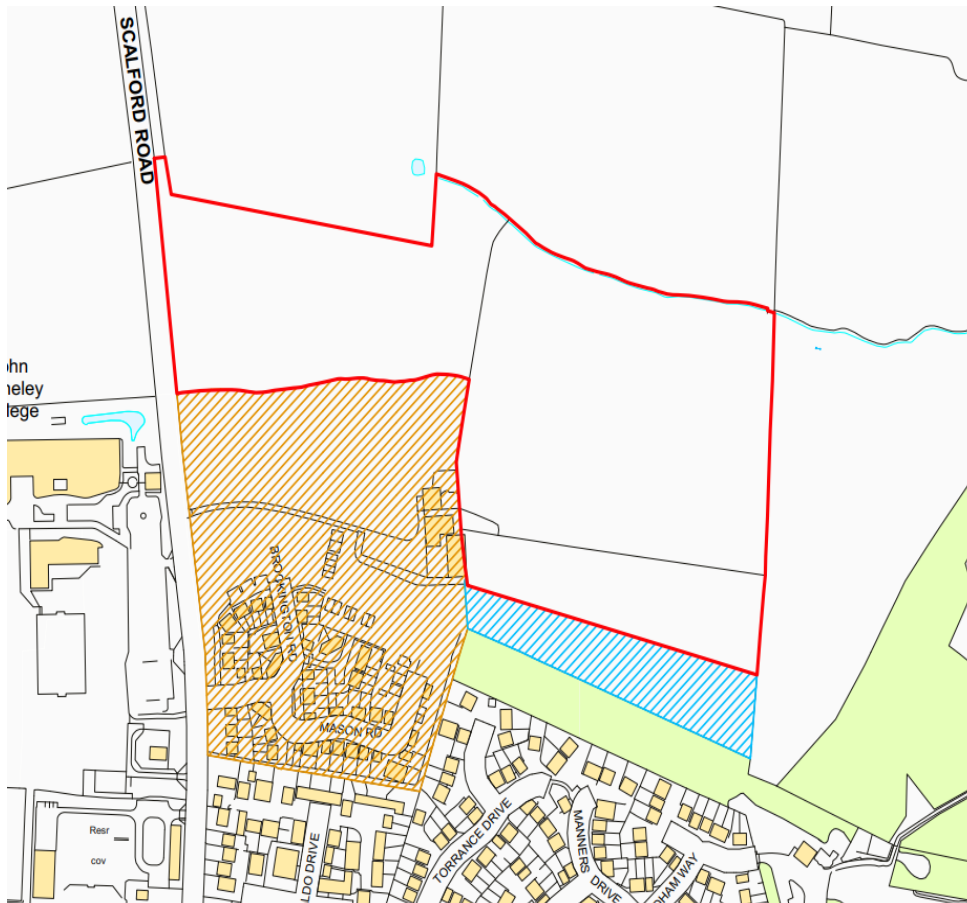
**Web Link:**

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

## RECOMMENDATION(S)

1. Approval subject to conditions as listed in detail at Section 10 of this report, informatives and a Section 106 legal agreement with the following provisions:
  - 7.5% affordable housing with a 50:50 split between 1<sup>st</sup> homes and affordable rented housing;
  - £103,400.00 toward Melton Country Park for use towards improvements and ecological legislation requirements;
  - £146,742.75 still toward primary care in Melton for the NHS;
2. LCC Education contribution comprising:
  - £207,363.79 towards Brownlow Primary School;
  - £1,679,356.76 toward primary education on a “per dwelling” amount equating to £9596.32 per dwelling;
  - £590,006.04 towards secondary education on a “per dwelling” basis equating to £3,371.46 per dwelling;
  - £87,333.19 towards post 16 education on a “per dwelling” basis equating to £499.05 per dwelling; and
  - £74,396.68 towards SEND education on a “per dwelling” basis equating to £425.12 per dwelling.
3. LCC Highway Authority contribution comprising:
  - £1,588,271.54 towards strategic road improvements to be provided on a “per dwelling” approach equating to £9,075.83 per dwelling; and
  - A Construction Traffic Routing Agreement.

# 1 Executive Summary



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

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

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

## **Main Report**

### **2 The Site**

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

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

### **3 Planning History**

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

### **4 Proposal**

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

### **5 Amendments**

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

### **6 Planning Policy**

#### **6.1 National Policy**

6.1.1 National Planning Policy Framework (NPPF 2023)

6.1.2 National Planning Policy Guidance

#### **6.2 Melton Local Plan**

6.2.1 Policy SS1 – Presumption in Favour of Sustainable Development

6.2.2 Policy SS2 – Development Strategy

6.2.3 Policy SS5 – Melton Mowbray North Sustainable Neighbourhood

6.2.4 Policy C1(A) – Housing Allocations

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

### 6.3 **Neighbourhood Plan**

6.4 There is no Neighbourhood Plan for this area.

### 6.5 **Other**

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

### 6.6 **Heritage Legislation**

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

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

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



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

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

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

## 6.7 **Masterplan**

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

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

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

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

## 7 **Consultation Responses**

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

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

### 7.1.1 National Highways 28.01.2022

a) Have no objections to the proposal.

### 7.1.2 Historic England 07.09.2021

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

### 7.1.3 NHS 29.06.2022

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

### 7.1.4 Natural England 02.09.2021

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

### 7.1.5 Sport England 25.01.2022

a) Have no objections to the scheme.

### 7.1.6 LCC Archaeology 10.01.2021

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

### 7.1.7 LCC Contributions 27.09.2024

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

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

### 7.1.8 LCC Ecology 28.09.2022

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

### 7.1.9 LCC Ecology 01.10.2021

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

### 7.1.10 LLFA 04.11.2021

a) No objections subject to conditions.

### 7.1.11 LCC Highways 05.03.2024

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



#### 7.1.12 **MBC Conservation Officer 2.12.2024**

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

#### 7.1.13 **MBC Environmental Health 19.11.2021**

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

### 7.2 **Summary of Representations**

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

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

#### 7.2.3 **Salford Parish Council 04.04.2024**

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

#### 7.2.5 **Neighbours**

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

7.2.7 The summary of comments are as follows;

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

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

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

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

## 8 **Planning Analysis**

### 8.1 **Main Considerations**

8.1.1 Principle of development

8.1.2 Highways

8.1.3 Housing mix and space standards

8.1.4 Ability of the site to accommodate the development

8.1.5 Flooding and drainage

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

## 8.2 Principle of Development

- 8.2.1 Policies SS1 and SS2 of the Melton Local Plan seek to ensure that development is situated in appropriate locations and in a manner that reflects and supports sustainable development within the Borough.
- 8.2.2 The provisions of policy SS1 sets out that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

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

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

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

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

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

### 8.3 Highways

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

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

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

## 8.4 Housing Mix and Size Standards

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to
- *‘manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 8 or in any future update of the housing mix evidence. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough including extra care and accessible housing, having regard to the latest evidence of housing need. Residential developments which include bungalows will be particularly supported’*
- 8.4.3 As set out in 8.4.2 above, the purpose of Local Plan policy C2 is to ensure a housing mix across developments that is reflective of the prevailing needs at the time of applications being submitted and determined. As this current application seeks only outline permission for the development, officers consider it reasonable to attach a condition to any approval relating to the submission and agreement of the housing mix prior to the submission of any reserved matters application for the dwellings. Such a condition will ensure that the housing mix is agreed based on what is identified at the point in time the details are provided to then be used in the subsequent reserved matters application(s).
- 8.4.4 Turning to the size of the dwellings to form part of the proposal through reserved matters submissions, assuming an approval is issued on this outline application, Local Plan policy C3 details that;
- *‘Residential developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms. For affordable housing, schemes using the Housing Quality Indicators standards will be supported.’*
- 8.4.5 As all matters have been reserved (with the exception of access) no details are available with regards to the sizes of the dwellings proposed. Officers do not consider this to be a particular issue as a condition can be attached to any approval requiring the dwellings meet or exceed the size standards contained within this policy. Such an approach would provide the developers with the standards to be used in the dwellings to be built and therefore ensure future owners and occupiers of the dwellings benefit from dwellings of sizes that are acceptable.
- 8.4.6 On the basis that the imposition of conditions will enable the housing mix to be agreed and space standards to be met, officers are satisfied the requirements of Local Plan policies C2 and C3 will be complied with.

## 8.5 Ability of the site to accommodate the development

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



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



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

8.5.9 Both the Design Code and the Design and Access Statement have been used to develop the illustrative site layout as well as the visual impacts drawing.

8.5.10 An illustrative masterplan has been provided as part of the application that sets out how the various elements of the development, including infrastructure and open areas, can be sited within the application site. The arrangement shows a main access road running through the site from west to east off which secondary roads are accessed. This road layout enables access into other adjacent sites alongside potential pedestrian and cycle connectivity. From this layout the dwellings are arranged in a manner that shows private amenity space and areas for parking (although parking and bedroom numbers are not detailed as these would be dealt with at reserved matters stage if this application is approved).

8.5.11 An assessment of this indicative layout shows that the site can accommodate the various elements which comprise the development proposed. Not only this, but the site can accommodate the various elements with the dwellings shown as having private amenity areas alongside parking spaces.

8.5.12 The key to the illustrative masterplan indicates further details of items to form part of the development being provided on the site as well as other existing features on land outside of the application site which are to be connected to through the likes of footpaths and cycle routes. The provision of such features not only improves connectivity within the site but also beyond it to adjacent sites and beyond. This approach contributes to healthy communities are required through policy C9.

8.5.13 On the illustrative layout plan, it also shows adjacent sites including existing dwellings to the south. From the assessment of the proposed indicative plan against the existing dwellings, there is a good separation distance between them alongside landscaping which not only is sufficient to ensure no adverse impacts upon their amenity but also serves to show the development can be accommodated on the site in a manner reflective of existing adjacent dwellings where the dwellings are set away from the site boundary.

8.5.14 Officers consider that the submitted documents clearly show that the various elements of the development proposed and set out in the description of development can be accommodated on the site. The illustrative master plans shows these elements alongside the associated infrastructure and roads in a manner that establishes all of the relevant elements of the development can be provided and are capable of being provided in a manner that would not result in any adverse or detrimental impacts being raised within the site or from the site on to adjacent sites.

8.5.15 The application therefore complies with the provisions of the NPPF as well as Local Plan policies EN1, EN6, C9 and D1.

## 8.6 **Flooding and Drainage**

8.6.1 The site is located in Flood Zone 1 which is an area at low risk of fluvial flooding.

8.6.2 As part of the original submission a Flood Risk Assessment (FRA) was provided and subsequently up-dated. This amended document makes a number of recommendations including that finished floor levels are no lower than existing external levels to mitigate

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

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

## 8.7 **Heritage including archaeology**

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

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

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

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

## 8.8 Ecology, Trees and Hedgerows

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

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

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

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

## 8.9 Sports Provision

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

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

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

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

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

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

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



## **8.10 Impact on residential amenity**

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

## **8.11 Contributions and Viability**

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



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

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

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

## 8.12 **Planning Balance**

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

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

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

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

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

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

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

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

## 9 Conclusion and Reason for Recommendation

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

## 10 Planning Conditions

10.1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: This application seeks outline permission with access only.

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

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

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

Site Location Plan (DE364\_001A)

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

REASON: For the avoidance of doubt.

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

REASON: For the avoidance of doubt.

10.5 The landscape scheme to be submitted through Condition 2 as a reserved matter shall include both hard and soft landscaping detail. A programme of implementation will be agreed and approved by the Local Planning Authority prior to occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

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

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

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

- 10.9 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

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

- 10.10 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

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

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

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

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

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



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



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

- 10.20 No development shall take place until reports detailing the ecology mitigation measures set out in the Ecological Assessment (W57.17g Rev B), Great Crested Newt District Level Licencing Impact Assessment (DLL-ENQ-LEIC-00009), Biodiversity Net Gain Assessment (4578\_07\_A) and Ecological Enhancement Strategy (4578\_10\_C) have first been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be implemented in full accordance with the approved details.

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

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

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

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

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

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

REASON: In the interests of amenity.

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

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

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

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

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

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

10.27 **Informatives;**

- 10.28 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 10.29 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
- 10.30 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 10.31 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
- 10.32 The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
- 10.33 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information

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

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

## **11 Financial Implications**

- 11.1 None

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

## **12 Legal and Governance Implications**

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

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

## **13 Background Papers**

- 13.1 Melton NSN Masterplan Overarching Report