

# Planning Committee

18 December 2024

Report of: Assistant Director for Planning

**Reference Number: 22/00404/FUL**

**Proposal: Erection of 70no. dwellings with associated vehicular access, parking, landscaping and public open space (as amended)**

**Site: Field OS 4100, Lake Terrace, Melton Mowbray**

**Applicant: G S Property Holdings Limited**

**Planning Officer: Mark Ketley**

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<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Councillor Sarah Cox (Melton Dorian) Councillor Pat Cumbers (Melton Dorian) Councillor Marilyn Gordon (Melton Dorian)
<b>Date of consultation with Ward Member(s):</b>	3 October 2022
<b>Exempt Information:</b>	No

## Reason for Committee Determination:

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

Web Link: [Melton Borough Council Planning Online](#)

What 3 words: <https://what3words.com/hulk.terms.supper>

## Site Location Plan



## RECOMMENDATION

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

1. Conditions detailed in Section 10 of this Report
2. Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) securing the following:
  - 4no. affordable one-bed semi-detached houses to be First Homes sold at a discount of 30% of open market value;
  - 2no. two-bed semi-detached houses to be made available for affordable rent;
  - 4no. affordable bungalows to be made available for affordable rent;Include a Late Stage Review Mechanism

## 1 Executive Summary

- 1.1 Planning permission is being sought in this case for the construction of 70no. dwellings with associated vehicular access, parking, landscaping and public open space to form a second phase of an ongoing residential development north of Lake Terrace in Melton Mowbray.

- 1.2 The application site is not allocated for housing development in the Local Plan but it does form part of the identified Melton Mowbray Main Urban Area. It is considered to be a wholly sustainable and appropriate location for new residential development due to its close proximity to the town centre and the wide range of services, facilities and public transport links that it has to offer. In addition, the proposal would represent the continuation of an extant development site with the dwellings to be constructed forming a second phase of the wider scheme. The development would make a significant contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period in an inherently sustainable and accessible location and is therefore acceptable as a matter of principle in accordance with the spatial objectives set out in Local Plan Policies SS1 and SS2.
- 1.3 The proposed housing mix is more heavily weighted towards smaller properties than is identified as the optimum requirement in Table 8 of the Local Plan. However, this is considered acceptable for this site given its relatively close proximity to the town centre and the mixed-use nature of its immediate surroundings. It would also boost the Borough's supply of smaller homes, including bungalow provision, therefore aligning with the overarching objectives of Policy C2 of the Local Plan.
- 1.4 10no. of the proposed properties would be affordable homes equating to 14.3% of the total number of dwellings to be constructed on the development which exceeds that required by Policy C4 of the Local Plan and ensures a policy compliant scheme in this respect.
- 1.5 The proposed development would be acceptable in terms of its siting, design, scale, use of materials and its potential impacts on the character and appearance of the area and neighbouring residential amenity, therefore according with Policies D1, EN1 and EN6 of the Local Plan in these respects. Subject to the recommended conditions, the proposal would also be acceptable in terms of its potential impacts on the flow of traffic on the local highway network, means of access, and the provision of parking and turning facilities within the site according with Local Plan Policy IN2 and the NPPF from a highway perspective.
- 1.6 The proposed development is unlikely to adversely impact upon significant archaeological remains thereby according with Policy EN13 of the Local Plan whilst, subject to the recommended conditions, the proposal would also be acceptable in terms of its potential ecological impacts and enhancement thereby complying with Local Plan Policy EN2.
- 1.7 The LLFA and Environment Agency have recommended conditions and have advised that the proposed development would not be at risk of flooding in itself nor would it increase the risk of flooding elsewhere. This being the case it is considered that the proposal is in accordance with both the NPPF and Local Plan Policies EN11 and EN12 in these respects.
- 1.8 The proposal would not make any contributions towards infrastructure requirements, due to viability reasons, thus giving rise to a significant conflict with Policy IN3 of the Local Plan and the Council's Developer Contributions SPD. However, in this case there are a number of considerations as set out in paragraph 8.60 of this report which in combination are considered to outweigh the inherent policy conflict. For these reasons and subject to review/reappraisal clauses being included in the Section 106 Agreement such that any shortfall in abnormal costs can be secured and put towards improved infrastructure provision it is considered that, on balance, the proposal is acceptable as a departure from Policy IN3 of the Local Plan as well as the Council's Developer Contributions SPD and approval of the application is therefore recommended on this basis.

# Main Report

## 2 The Site

- 2.1 The application relates to a proposed second phase of an ongoing residential development on land to the north of Lake Terrace and Ullswater Road in Melton Mowbray. The site comprises approximately 2ha of former agricultural land which is located to the north of the Phase 1 development area consented under planning application refs: 17/01500/OUT and 20/00317/REM in October 2018 and November 2020 respectively.
- 2.2 The site is broadly rectangular in shape and is bound by the River Eye to the north; a disused railway embankment to the west; and a mix of residential and commercial properties to the south and east with the Phase 1 development area on which 90no. affordable dwellings are currently being developed located to the immediate south and west beyond the disused railway embankment. There is no means of vehicular access to the site other than through the Phase 1 development area from where access to Phase 2 would be taken.
- 2.3 The site is located approximately 0.6km west of Melton Mowbray Town Centre which has a wide range of services, facilities and public transport links whilst there are also other facilities within easy reach of the site including an Aldi supermarket 0.3km to the south and a leisure centre and public park less than 0.5km to the south-east.

## 3 Planning History

- 3.1 17/01500/OUT - Residential development (up to 90 dwellings) including public open space, removal of material from existing disused railway, landscaping and alterations to existing vehicular access (outline - all matters reserved except access) - Approved 22.10.18
- 3.2 20/00317/REM - Reserved Matters application relating to appearance, landscaping, layout and scale in relation to previously approved outline application ref: 17/01500/OUT for 90 dwellings - Approved 5.11.20
- 3.3 20/00318/VAC - Variation of Conditions 14 (Flood Risk Assessment) and 21 (Plans) in respect of application ref: 17/01500/OUT to allow consideration of a new Flood Risk Assessment and the retention of former railway embankment - Approved 4.9.20
- 3.4 20/00332/FUL - Formation of surface water attenuation features and ecological enhancements including a wetland habitat in association with previously approved application ref: 17/01500/OUT - Approved 8.1.21
- 3.5 21/01329/NONMAT - Non material amendment in respect of reserved matters approval reference 20/00317/REM to replace reference to outline permission ref: 17/01500/OUT with variation of conditions approval ref: 20/00318/VAC - Approved 13.12.21
- 3.6 23/00421/FUL - Enabling works in association with proposed residential development under planning application ref: 22/00404/FUL - Erection of 73no. dwellings with associated vehicular access, parking, landscaping and public open space (Amended Description) Approved 8.12.23
- 3.7 24/00313/VAC - Variation of Conditions 1 (Approved Plans and Documents) and 3 (Ground Level Details) of planning approval ref: 20/00317/REM dated 5th November 2020 Approved 16.8.24

## 4 Proposal

- 4.1 Full planning permission is being sought in this case for the construction of 70no. dwellings as a subsequent phase of the ongoing residential development north of Lake Terrace.
- 4.2 Whereas the Phase 1 development comprising of 90no. dwellings is a fully affordable scheme, the proposed Phase 2 development would comprise of mainly market housing, with a proportion of affordable housing, and consisting of the following housing mix:
- 8no. one-bed houses
  - 36no. two-bed houses
  - 16no. three-bed houses
  - 8no. two-bed bungalows built to M4(2) standards
  - 2no. two-bed bungalows built to M4(3) standards
- 4.3 10no. of the proposed properties would be affordable units equating to 14.3% of the development overall. The Applicant is proposing the following affordable housing mix:
- 4no. one-bed semi-detached houses would be affordable First Homes sold at a discount of 30% to open market value;
  - 2no. two-bed semi-detached houses to be made available for affordable rent; and
  - 4no. affordable bungalows to also be made available for affordable rent.
- 4.4 The development would be accessed from the previously consented vehicular access off Lake Terrace that serves Phase 1 of the wider scheme with the housing layout being set out in such a way that the majority of the new dwellings would front a road within the development where a series of small courtyards/cul-de-sacs would lead off a central access road. A small number of the houses would overlook an area of open space that is proposed to be created at the entrance to this phase of the development.
- 4.5 With the exception of the proposed bungalows, all of the new dwellings would be two storey in height with their design and appearance largely reflecting that of the properties currently being built in the Phase 1 development area. Facing materials would be brickwork, typically of the "Leicestershire Red" type which has a mellow orange shading, with concrete tile roofing materials and some dwellings featuring areas of white or cream render to help break up the massing of the development and provide visual differentiation within the site.
- 4.6 Each of the proposed dwellings would have off-road parking for two vehicles to either their frontage or side whilst they would all have private rear garden areas. Information submitted with the application explains that the future occupiers of the new dwellings would also benefit from an ability to access and make use of the extensive open space area that would be provided in the linear area (disused railway embankment) that forms the western boundary of the proposed Phase 2 development area and on the wetland/attenuation area to the west of the embankment which is being enhanced as part of the overall site development. This again would provide an attractive backdrop and setting for the Phase 2 part of the site whilst also ensuring access to good quality open space facilities for future residents.

## 5 Amendments

- 5.1 The proposal has been amended during the course of the application process in response to technical and environmental issues raised by a number of statutory consultees including LCC Highways, LCC Ecology, Environment Agency and the Lead Local Flood Authority.

- 5.2 Concerns raised in relation to layout, design/appearance, housing mix and streetscene perspectives have also been addressed with the scheme originally submitted having shown 77no. dwellings to be constructed on the site before being reduced to 73no. dwellings and then reduced again to the 70no. dwellings now being proposed.
- 5.3 Re-consultation has taken place following each change to the proposed scheme and the responses received are set out in Section 7 below.

## **6 Planning Policy**

### **6.1 National Policy**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

### **6.2 Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework published in December 2023 and, whilst it is now being updated, its policies remain relevant and up to date for the purpose of determining this application.
- The relevant policies to this application include:
  - Policy SS1 Presumption in Favour of Sustainable Development
  - Policy SS2 Development Strategy
  - Policy C2 Housing Mix
  - Policy C3 National Space Standards & Smaller Dwellings
  - Policy C4 Affordable Housing Provision
  - Policy C9 Healthy Communities
  - Policy EN1 Landscape
  - Policy EN2 Biodiversity & Geodiversity
  - Policy EN11 Minimising the Risk of Flooding
  - Policy EN12 Sustainable Urban Drainage Systems
  - Policy EN13 Heritage Assets
  - Policy IN2 Transport, Accessibility and Parking
  - Policy IN3 Infrastructure Contributions
  - Policy D1 Raising the Standard of Design

### **6.3 Neighbourhood Plan**

- There is no made Neighbourhood Plan in this location.

### **6.4 Other**

- Housing Mix & Affordable Housing SPD (adopted July 2019)
- Developer Contributions SPD (adopted September 2021)

- Design of Development SPD (adopted February 2022)

## 7 Consultation Responses

7.1 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

### SUMMARY OF TECHNICAL CONSULTATION RESPONSES

#### 7.2 LCC Highways

7.3 The Local Highway Authority 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 at the end of this report.

#### 7.4 MBC Housing Officer

7.5 The housing mix originally lacked any 1-bed dwellings and so the now proposed 8 x 1-beds and the 10 bungalows are welcomed (8 x accessible and adaptable and 2 x wheelchair user dwellings). There is a disproportionately high amount of 2-bedroom properties and low amount of 3-bedroom properties in the proposed housing mix to that which is recommended in the housing mix table. If all of the properties are to be affordable, the mix proposed broadly aligns. However, planning can only require the policy compliant amount and any other affordable housing is additional, which cannot be secured as affordable housing. The space standards of the properties have been clarified and they meet 85% of the Nationally Described Space Standards (NDSS). I have consulted with Homes England and they have said *“at Homes England we expect all affordable homes to meet 100% of NDSS. However we do understand that in order to make the best use of land, some homes may fall short or exceed these space standards and we consider each scheme on its merits. When we are considering each scheme, we would not expect homes to be less than 85% of NDSS.”*

#### 7.6 Lead Local Flood Authority (LLFA)

7.7 The site was previously located within Flood Zones 2 and 3 (a medium and high risk of fluvial flooding, respectively). Enabling works (ref: 23/00421/FUL) have moved the site from these flood zones to Flood Zone 1 (low risk of fluvial flooding). A Sequential and Exceptions test has been amended to reflect the new flood zone status of the site. There are no proposed changes to previously reviewed surface water drainage proposals. These matters fall within the remit of the Environment Agency (EA) and thus the LLFA has no comments to make in addition to the conditions set out below.

#### 7.8 Environment Agency

7.9 The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included requiring development to be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment submitted with the application.

#### 7.10 LCC Ecology

7.11 I have reviewed the Ecological Impact Assessment (Low Impact EclA) produced by RammSanderson (March 2023) along with the accompanying biodiversity net gain (BNG) metric (dated 06/03/2023). I am happy with the quality of BNG calculations produced. The

baseline habitats have not been undervalued and the proposed habitats are realistic and achievable. Every attempt has been made to achieve a net gain in every category and a clear explanation has been provided with each result. I am satisfied that measurable biodiversity net gain can be achieved with the current proposals.

7.12 A previous LCC Ecology Officer previously expressed concerns over the buffer area to the river, whilst this is now improved to the previous plans, it still feels like more should be done to incorporate biodiversity within the site plans. There was also potential evidence of water vole and possibly otter, thus increasing the importance of a good buffer area. Should planning be approved, a sensitive lighting design will need to be implemented, to ensure there is no light spill onto this buffer area, as well as protection measures of this area during works.

7.13 Recommend that the conditions outlined at the end of this report are attached to any planning permission granted.

#### 7.14 **LCC Forestry**

7.15 The applicant has submitted an Arboricultural Impact Assessment which has identified several trees that may be impacted by the development on the adjacent site as well as a linear feature (disused railway) running across the land these are likely to be impacted by the development and require protection, this should be informed by an Arboricultural Method Statement which will outline tree retention on the site as well as tree protection measures. The report should conform to BS5837:2012 - Trees in relation to design, demolition and construction recommendations. There are a significant number of trees proposed to be planted on the site, none of the trees appear to be located on the adoptable highway and therefore there are no grounds for objection. It is therefore recommended that an Arboricultural Method Statement be conditioned as part of any permission granted.

#### 7.16 **LCC Archaeology**

7.17 Initial Comments: We welcome the desk-based assessment and agree with its conclusions that there is a potential for pre-historic remains to be impacted by this development. The preservation of archaeological remains is, of course, a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. This will require provision by the applicant for a field evaluation, by appropriate techniques including trial trenching, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development.

7.18 Further Comments: Having reviewed the submitted trial trenching and geophysical survey reports, I can confirm that they are acceptable and that no additional archaeological involvement will be required. I note the reports includes a commitment to OASIS reporting with the Archaeological Data Service (ADS) and an accession number for the Leicestershire Museums Service (LMS). The latter is supported by a description of the archive content and a note stating the intention to deposit the paper (LMS) and digital archive (LMS/ADS) in accordance with professional standards. These provisions are in accordance with the planning requirements and the approved Written Scheme of Investigation. We would therefore advise that the application warrants no further archaeological action.



## 7.19 **Designing Out Crime Officer**

7.20 I have now visited and have reviewed the proposed development. There is a single vehicle entry point at Lake Terrace to the south of the site. Entry leads northwards before splitting to the east and carrying on northwards. There is no circulatory route and as a result there is no permeability issues and appropriate access for emergency services. Vehicle parking is in curtilage to dwellings which does offer good natural observation.

## 7.21 **Leicester, Leicestershire & Rutland Integrated Care Board (ICB)**

7.22 The housing development will result in a minimum population increase of 175.2 patients. This figure would evidently be higher dependent on the number bedrooms in each dwelling. For each of the identified practices to expand to meet their share of the population increase, average calculations for health centres, clinics and group practice surgeries from the Building Cost Information Service (BCIS) 2022 have been used which indicate the cost of providing additional accommodation for 175.2 patients is £47,958.37

7.23 The ICB would also like the council to carefully consider the developer occupancy trigger points included in any Section 106 Agreement. The practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore both the ICB and the practice would wish for any contributions to be released prior to first occupation.

## 7.24 **LCC Planning Obligations Team**

7.25 Updated request for the following contributions after amendments received reducing the number of dwellings involved in the proposed development to 70no. dwellings:

### **Summary of Infrastructure Requirements**

<b>Infrastructure Category</b>	<b>Location / Description</b>	<b>Amount</b>
Libraries	Melton Mowbray Library	£2,113.84
Waste	Melton Mowbray HWRC	£5,786.20
Primary Education	Primary Schools in the Melton Town Area	£518,627.97
Strategic Road Contribution	Melton Mowbray Distributor Road	£843,570.00
Sustainable Trans Contribution	Bus Service	£120,091.30
Travel Plan Contribution	Travel Plan Monitoring	£6,000.00
Travel Packs	Residential Travel Packs	£3,669.50
Bus Pass Contribution	Residential Bus Passes	£71,400.00
Secondary Education	Schools in the Melton Town Area	£324,172.44
Post 16 Education	Melton Vale Sixth Form College	£57,981.00
<b>Total</b>		<b>£1,953,412.25</b>

## **SUMMARY OF REPRESENTATIONS**

### 7.26 **Ward Members**

7.27 No comments received

### 7.28 **Neighbours**

7.29 Objections have been received from 11no. separate households raising issues that can be summarised as follows:

- Development is on a floodplain and at risk of flooding;
- Site is regularly under standing water, especially during winter months;
- Ecological/biodiversity impacts;

- Resultant increase in traffic congestion;
- Impact on the landscape;
- Increased used of Public Footpath E13 making its condition worse; and
- There is too much housing taking place in Melton Mowbray.

7.30 One letter of support has been received from a local resident stating *“Melton needs some more affordably priced homes. Look forward to hearing when homes will be available. Good riverside location next to town.”*

### 7.31 **Response to Consultations and Representations**

7.32 The majority of the issues raised are material planning considerations and are addressed under Section 8 ‘Planning Analysis’ below following guidance and advice received from relevant statutory consultees in relation to the specific issues identified.

## **8 Planning Analysis**

8.1 The main considerations in determining this application are as follows:

- Principle of Development
- Housing Mix
- Affordable Housing
- Impact on the Character of the Area
- Impact on Amenity
- Archaeological Impacts
- Ecological Impacts
- Highway Matters
- Flood Risk & Drainage
- Planning Obligations

### 8.2 **Principle of Development**

8.3 In line with the objectives of current national planning policy, Policy SS1 of the Local Plan makes clear 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 (NPPF) most recently updated in December 2023.

8.4 Local Plan Policy SS2 establishes the overarching development strategy for the Borough for the period up to and including 2036 and this states that the Melton Mowbray Main Urban Area is the priority location for growth with the expectation being that it will accommodate approximately 65% of the identified housing need over the Plan period. The policy goes on to state that the role and sustainability of Melton Mowbray will be significantly enhanced through the delivery of at least 3,980 homes over the Plan period on both allocated and other sustainable sites.

8.5 The application site is not allocated for housing development in the Local Plan but it does form part of the identified Melton Mowbray Main Urban Area and is considered to be a wholly sustainable and appropriate location for new residential development due to its close proximity to the town centre. Indeed, the site is located just 0.6km west of the town centre

where there are a wide range of services, facilities and public transport links. The site is also within easy reach of a number of educational establishments, employment opportunities and other facilities such as, for example, an Aldi supermarket 0.3km to the south and a leisure centre and public park less than 0.5km to the south-east. In addition, the proposal would represent a continuation of an extant development site with the dwellings to be constructed forming a second phase of the wider scheme.

8.6 Development of the site would make a significant contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period in an inherently sustainable and accessible location. Table 5 of the Local Plan demonstrates the need to find at least 200 dwellings (equating to at least 10 dwellings per annum) from housing windfall sites such as this. The proposal is therefore acceptable as a matter of principle in accordance with the provisions of the NPPF and the spatial objectives set out in Policies SS1 and SS2.

### 8.7 **Housing Mix**

8.8 Policy C2 of the Local Plan makes clear that the Local Planning Authority will seek to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer with the provision of retirement homes and wheelchair accessible dwellings being encouraged. To that end the policy makes clear that residential developments which would include the provision of bungalows will be particularly supported.

8.9 The optimum housing mix requirements for schemes involving market housing with an appropriate proportion of affordable housing are set out in Table 8 of the Local Plan with this showing that developments should comprise of the following mix:

- One-bed dwellings (15%)
- Two-bed dwellings (30-35%)
- Three-bed dwellings (35-40%)
- Four-bed dwellings (15%)

8.10 In comparison, the proposed housing mix in this case would comprise of the following:

- 8no. one-bed houses (11%)
- 46no. two-bed houses + bungalows (66%)
- 16no. three-bed houses (23%)

8.11 As can be seen from the above, the proposed housing mix is more heavily weighted towards smaller properties with an absence of any four-bed units and a significant proportion of one-bed and two-bed units. However, this is considered acceptable for this site given its relative close proximity to the town centre of Melton Mowbray and the mixed-use nature of its immediate surroundings. It would also undoubtedly boost the Borough's supply of smaller homes which, through negotiations with the Applicant during the course of the application process, has resulted in 8no. one-bed dwellings, 8no. two-bed bungalows built to M4 (2) standards and 2no. two-bed bungalows built to M4 (3) standards being introduced into the scheme which did not form part of the proposal when originally submitted.

8.12 It is therefore considered that the proposed development, whilst not aligning fully with the optimum housing mix set out in Table 8 of the Local Plan, would make an important contribution towards the delivery of smaller accessible housing, particularly bungalow provision, therefore aligning with the overarching objectives of Local Plan Policy C2.

### 8.13 **Affordable Housing**

8.14 Policy C4 of the Local Plan states that the Council will seek to manage the delivery of around 1,300 new affordable homes between 2011 and 2036 in order to balance the housing stock and meet the housing needs of the local community. The policy explains that the Council will do this by applying a target for affordable homes within housing developments on all sites of 11 or more units and/or where the floor space exceeds 1000 sqm, having regard to market conditions, housing needs, housing mix (in regard to tenure, type and size), economic viability and other infrastructure requirements.

8.15 Affordable housing requirements for those schemes where Policy C4 of the Local Plan is applicable are based on minimum percentage figures for different value areas across the Borough with the specific requirement in Melton Mowbray being between 5% and 10%. In this case 10no. of the proposed properties would be affordable homes equating to 14.3% of the total number of dwellings on the development which exceeds that required by Policy C4 and ensures a policy compliant scheme in this respect.

8.16 The Applicant is proposing the following affordable housing mix:

- 4no. of the one-bed semi-detached houses would be affordable First Homes sold at a discount of 30% to open market value;
- 2no. two-bed semi-detached houses to be made available for affordable rent; and
- 4no. affordable bungalows to also be made available for affordable rent.

8.17 The proposed affordable housing mix is considered to be acceptable in this instance following discussions with the Council's Housing Officer and this would be secured through a legal agreement under Section 106 of the Town and County Planning Act 1990.

### 8.18 **Impact on the Character of the Area**

8.19 Policy D1 of the Local Plan seeks to raise the standard of design from new developments and it states that, amongst other things, siting and layout must be sympathetic to the character of the area. It also requires buildings and development to respect the local vernacular without stifling innovative design.

8.20 Local Plan Policy EN1 relates to wider landscape impacts and states that developments will be supported where they do not adversely affect an area's sense of place and local distinctiveness and do not adversely affect areas of tranquillity, including those benefiting from dark skies, unless proposals can be adequately mitigated through the use of buffering.

8.21 Policy EN6 of the Local Plan further states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement and proposals will also be supported where they do not harm individual features which contribute towards settlement character.

8.22 The proposed development would be laid out in such a way that the majority of the dwellings would front a road within the development with a series of small courtyards/cul-de-sacs leading off a central access road. A small number of the houses would also overlook an area of open space that is proposed to be created at the entrance to this second phase of the development that would soften the approach to this part of the site and ensure an attractive backdrop and a sense of place for those dwellings surrounding it.

8.23 With the exception of the proposed bungalows, all of the new dwellings would be two storey in height with their design and appearance largely reflecting that of the properties currently being built in the Phase 1 development area. Facing materials would be brickwork, typically

of the “Leicestershire Red” type which has a mellow orange shading, with concrete tile roofing materials, and some dwellings featuring areas of white or cream render to help break up the massing of the development and provide visual differentiation within the site. This is considered to be an acceptable design approach in the context of the location of the application site and its immediate surroundings that would also ensure continuity in architectural language between the Phase 1 and Phase 2 development areas.

- 8.24 Each of the proposed dwellings would have off-road parking for two vehicles to either their frontage or side and they would all have private rear garden areas. Information submitted with the application explains that the future occupiers of the new dwellings would also benefit from an ability to access and make use of the extensive open space area that would be provided in the linear area (disused railway embankment) that forms the western boundary of the proposed Phase 2 development area and on the wetland/attenuation area to the west of the embankment which is being enhanced as part of the overall site development. This again would provide an attractive backdrop and setting for the Phase 2 part of the site whilst ensuring access to good quality open space facilities for future residents.
- 8.25 With regards to the wider landscape visibility of the site and the potential impacts of the proposed development on the setting of Melton Mowbray it is notable that the land is bound by the River Eye to the north, raised disused railway embankment to the west and a combination of residential and commercial properties to the south and east. As such it is the case that the application site is not highly visible on the landscape when viewing Melton Mowbray from the wider surrounding area and, consequently, it is considered that the development of the site with 70no. dwellings would not adversely affect the landscape setting of the town to such an extent that refusing planning permission would be justified. Indeed, the proposal would assimilate successfully into the context of its surroundings by utilising natural features and structure planting that is already in place along the boundaries with the River Eye and the disused railway embankment in particular. Additional landscaping within the site can be secured through the imposition of an appropriately worded condition ensuring that there would not be unacceptable resultant landscape character impacts.
- 8.26 For these reasons and subject to the recommended conditions set out in Section 10 below it is considered that the proposed development would be acceptable in terms of its siting, design, scale, use of materials and potential impacts on the character and appearance of the area therefore according with Local Plan Policies D1, EN1 and EN6.
- 8.27 **Impact on Amenity**
- 8.28 The location of the application site and features bordering it are such that the proposed development would be some distance away from neighbouring residential properties and not particularly visible from them, with the exception of those being developed in Phase 1 of the wider site. Spacing between the Phase 1 and Phase 2 dwellings has clearly been carefully considered however to ensure that there would not be any issues arising as a result of loss of light or loss of privacy. Indeed, the proposed layout, scale and appearance of the dwellings are such that there would be no adverse impacts upon the relationship between the respective phases of the development or on any neighbouring land uses.
- 8.29 Within the proposed Phase 2 development itself it is considered that the layout, house types and internal arrangements are such that there would be no resultant overlooking, overbearingness or loss of light for future occupants. Garden shapes and sizes are generally acceptable and although some plots are somewhat small, the units themselves are planned to be relatively small scale as explained above and the garden provision is proportionate.

8.30 The proposal therefore satisfies the requirements of Local Plan Policy D1 in respect of neighbouring residential amenity impacts and standard of living environment within the site.

### 8.31 **Archaeological Impacts**

8.32 An initial desk-based assessment submitted with the application concluded that there was the potential for pre-historic remains to be impacted upon by the proposed development and therefore LCC Archaeology advised that further evaluation should be carried out prior to the application being determined in the form of field evaluation, including trial trenching, to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the future development of the site.

8.33 The Applicant has subsequently commissioned and has had carried out both a geophysical survey of the application site and a programme of trial trenching involving the excavation of 11no. 30m long trenches across the proposed Phase 2 development area. No finds or features of archaeological interest were identified during the field evaluation works undertaken and the evidence therefore suggests that there is negligible archaeological potential for the proposed development area. It is therefore considered that the proposed development is unlikely to adversely impact upon significant archaeological remains thereby according with Policy EN13 of the Local Plan and the NPPF in this respect.

### 8.34 **Ecological Impacts**

8.35 Policy EN2 of the Local Plan explains that the Council will seek to achieve net gains for nature, proactively seek habitat creation as part of new development proposals, and protect and enhance biodiversity and ecological networks throughout the Borough and beyond its boundaries by supporting proposals which satisfy a range of criteria.

8.36 The location of the application site in this case being immediately adjacent to the River Eye and a disused railway embankment means that it is sensitive in ecological terms and therefore extensive discussions have taken place over the course of the application between the Applicant and LCC Ecology to ensure that any potential impacts on protected species and their habitat can be satisfactorily mitigated and that meaningful ecological enhancements are delivered as part of the development.

8.37 Surveys have been undertaken and reports subsequently provided covering a range of species that are potentially present on and in the area surrounding the application site including otter, kingfisher, water vole, white clawed crayfish and badger. In addition, the disused railway embankment running along the western boundary of the site was already known to provide excellent habitat for bats and breeding birds following survey work carried out as part of the Phase 1 development proposals. Notwithstanding this, LCC Ecology have confirmed that on the whole there would not be an unacceptable impact on protected species or their habitat with a buffer zone being incorporated along the edge of the site with the River Eye to avoid any potential resultant impacts on otter and water vole in particular. LCC Ecology have commented that a sensitive lighting design would need to be implemented to ensure there would be no light spill onto this buffer area, as well as protection measures of this area during works, and conditions to this effect are therefore recommended in Section 10 of the report below. Subject to these conditions it is considered that the proposal would be acceptable in terms of its potential ecological impacts and compliant with Local Plan Policy EN2 and the NPPF in this respect.

8.38 The application was submitted prior to the introduction of mandatory biodiversity net gain (BNG) and is therefore not required to fulfil this statutory requirement. Nevertheless, the Applicant has worked with LCC Ecology and agreed to implement a range of proposals that

would result in biodiversity net gain and ecological enhancements across the overall site. BNG calculations have been produced and LCC Ecology have confirmed in their consultation response that the proposed habitat improvements are realistic and achievable and that every attempt has been made to achieve a net gain in every category. The proposal is therefore considered to be acceptable in terms of achieving BNG on-site and again relevant conditions in this particular respect are set out in Section 10 below.

### 8.39 **Highway Matters**

8.40 Access to the proposed development would be taken via a new priority junction connecting to the internal road layout approved as part of the previously approved Phase 1 development and which in turn connects to Lake Terrace which is an unclassified, non-weight restricted road subject to a 30mph speed limit enforced by street lighting.

8.41 The Local Highway Authority have confirmed that the local highway network is capable of accommodating the additional traffic that would be generated by the construction of 70no. dwellings on the application site. This follows robust modelling of the potential impacts undertaken by BSP Consulting on behalf of the Applicant. In addition, the Highway Authority have confirmed that the proposed site layout, including parking and turning provision within the site, is acceptable and in general accordance with local design guidance.

8.42 Subject to the recommended conditions set out in Section 10 below, the proposal is considered to be acceptable in terms of its potential impacts on the flow of traffic on the local highway network, means of access, and the provision of parking and turning facilities within the site thus according with Local Plan Policy IN2 and the NPPF in these respects.

8.43 In addition to the recommended conditions and to comply with Government guidance in the NPPF, commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions have been identified by the Highway Authority as being required in this case in the interests of encouraging sustainable travel to and from the site, reducing private car use and mitigating any potential severe impacts on the highway network:

- £12,051 per dwelling towards strategic road improvements as considered appropriate by Melton Borough Council and the Local Highway Authority;
- £1,715 per dwelling as a passenger transport contribution;
- Travel Packs for each dwelling to inform new residents from first occupation what sustainable travel choices are in the surrounding area;
- Provision of six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer) to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and to promote usage of sustainable travel modes other than the car; and
- Travel Plan monitoring fee of £6,000

8.44 Matters arising from the requested contributions from the Local Highway Authority as set out above will be addressed separately in the Planning Obligations section below.

### 8.45 **Flood Risk & Drainage**

8.46 At the time that the application was originally submitted back in March 2022, the site was partially located within Flood Zone 2 and partially within Flood Zone 3 and it was therefore at medium and high risk of fluvial flooding respectively. However, enabling works have since been proposed and approved by the Local Planning Authority under a separate application

that was submitted in April 2023 (ref: 23/00421/FUL) which, once completed, will move the site from these flood zones to entirely within Flood Zone 1 where there is low risk of flooding.

- 8.47 The already approved enabling works will involve ground levels being raised within the site immediately to the east of the disused railway embankment i.e. along the western boundary of the proposed Phase 2 development area, and will reduce the future flood risk for the site from surface water, ground water and reservoir inundation. The works to be undertaken will also include excavated areas i.e. floodplain compensatory areas, that will be capable of offsetting losses in floodplain storage generated by a proposed SuDS basin to serve both the Phase 1 and Phase 2 development areas. These compensatory areas will be excavated to maintain connectivity with the channel of the adjacent River Eye and will provide floodplain compensation on a level-for-level, volume-per-volume, basis in line with national standards to ensure that flood volumes are not displaced outside of the site. To ensure the excavated areas will not increase the conveyance of flows, a small bund (which can also be used as a recreational footpath) will be created to run across the floodplain between the proposed Phase 2 development plateau and the river channel.
- 8.48 Sequential and exception tests originally submitted with the application have been amended to reflect the new flood zone status of the site and the Lead Local Flood Authority (LLFA) have confirmed that, subject to the conditions set out in Section 10 of the report below, they have no objection to the proposed development. In addition, in specific relation to surface water drainage proposals the Environment Agency have confirmed that they are satisfied that the proposed development would be acceptable from a flood risk and drainage perspective subject to a condition requiring development to be carried out in accordance with the detailed measures set out in the submitted flood risk assessment.
- 8.49 Subject to the recommended conditions it is considered by the relevant statutory consultees that the development would not be at risk of flooding in itself, nor would it increase the risk of flooding elsewhere. This being the case it is considered that the proposal is in accordance with both the NPPF and Policies EN11 and EN12 of the Local Plan.
- 8.50 **Planning Obligations**
- 8.51 Policy IN3 of the Local Plan makes clear that development that provides additional dwellings or employment premises will be expected to help to deliver sustainable communities through the payment of Community Infrastructure Levy, where chargeable, and/or by making developer contributions to local infrastructure in proportion with the scale of its impacts, in the following order of priority:
- (i) Essential infrastructure necessary to ensure adequate provision of essential utilities, facilities, water management and safe access, as identified in the Infrastructure Delivery Plan or Neighbourhood Plan.
  - (ii) Essential infrastructure (including the Melton Mowbray Transport Strategy and its key component, the Melton Mowbray Distributor Road) as identified in the Infrastructure Delivery Plan or any made Neighbourhood Plan including contributions from residential development towards affordable housing to meet the requirement set out in Policy C4.
  - (iii) Desirable infrastructure as identified in the Infrastructure Delivery Plan or any made Neighbourhood Plan.
- 8.52 The Council's Developer Contributions SPD sets out the 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 on Local Plan Policy IN3 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.

8.53 Table 1 on pages 12-13 of the SPD sets out the prioritisation of infrastructure in association with the provisions of Local Plan 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 and naturally therefore of the highest priority.

8.54 As can be seen from the consultee responses that are set out in Section 7 of the report above, financial contributions have been sought by the National Health Service (NHS) through the Leicester, Leicestershire & Rutland ICB for GP/Primary Care, and by Leicestershire County Council towards highways, education, libraries and civic amenities of varying amounts as set out in the table below. These contributions are in addition to 5-10% affordable housing required in Melton Mowbray by Local Plan Policy C4:

**Summary of Infrastructure Requirements**

<b>Infrastructure Category</b>	<b>Location / Description</b>	<b>Amount</b>
Libraries	Melton Mowbray Library	£2,113.84
Waste	Melton Mowbray HWRC	£5,786.20
Primary Education	Primary Schools in the Melton Town Area	£518,627.97
Strategic Road Contribution	Melton Mowbray Distributor Road	£843,570.00
Sustainable Trans Contribution	Bus Service	£120,091.30
Travel Plan Contribution	Travel Plan Monitoring	£6,000.00
Travel Packs	Residential Travel Packs	£3,669.50
Bus Pass Contribution	Residential Bus Passes	£71,400.00
Secondary Education	Schools in the Melton Town Area	£324,172.44
Post 16 Education	Melton Vale Sixth Form College	£57,981.00
<b>Total</b>		<b>£1,953,412.25</b>

8.55 The requests have been provided to the Applicant and their Agent who have, following assessment of the amounts being sought, undertaken a viability appraisal of the proposed scheme. The conclusion of that appraisal is that the scheme would not be viable if any of the requested contributions were to be provided, either in their entirety or in part, with the principal reason for this being significant abnormal costs associated with developing the site. Indeed, the Applicant’s viability appraisal has identified abnormal costs in the region of £2.11m with a substantial amount of evidence having been provided on a confidential basis to justify an allowance for this amount in the viability appraisal.

8.56 The Applicant’s viability appraisal has been independently assessed on behalf of the Council by specialists Cushman & Wakefield with this independent assessment concluding that the scheme would not be viable with the contributions being sought. The conclusions from the independent assessment have been set out as follows:

*“The site cannot, based on current presented evidence, support any S106 contributions, with the Assessor’s detailed examination of the Applicant’s appraisal revealing that the Applicant’s estimation of the scheme residual land value - a negative land value of (£440,000) appearing reasonable, the Assessor’s opinion being a negative land value in the order of (£550,000)*

*This is clearly in contrast with the agreed viability position at the neighbouring Phase 1 site, where the 100% affordable housing scheme could also support a S106 contribution*

*of £799,500. Phase 1, however, benefitted from Homes England grant funding support of £4.333 million for the affordable housing, and the delivery partnership approach meant finance costs for the developer were negligible, and there was no requirement for sales and marketing overheads. With the developer essentially taking a contractor role for Phase 1, a specific “developer profit” was also not extracted from the scheme and which aided its viability further.*

*It is on this basis that the Assessor recommends two specific conditions are attached to the S106 agreement:*

- That a full reappraisal is carried out should affordable housing be delivered on the site through grant supported means (as distinct from S106 supported)*
- That the site abnormal costs are ringfenced and monitored under the terms of the S106 agreement such that any shortfall be put towards infrastructure provision.”*

8.57 As noted earlier in the report 10no. of the proposed properties in this case would be affordable homes equating to 14.3% of the total number of dwellings on the development which exceeds that required by Local Plan Policy C4 and ensures a policy compliant scheme in this respect. However, by failing to make any contributions towards other infrastructure requirements the proposal gives rise to an inherent policy conflict with Local Plan Policy IN3 and the Council’s Developer Contributions SPD.

8.58 It is clearly regrettable that the scheme is unable to provide any of the requested contributions being sought by the NHS and Leicestershire County Council. However, the allowances made in the Applicant’s viability appraisal for the abnormal costs identified have been scrutinised and challenged extensively by both the Case Officer and specialist consultants Cushman & Wakefield on behalf of the Council with the conclusions drawn being that the information and evidence presented in the Applicant’s viability appraisal is robust and, if anything, downplays the cost of the potential site abnormalities.

8.59 Cushman & Wakefield have of course acknowledged that there is an element of uncertainty when estimating potential abnormal costs associated with the scale of development being proposed and they have therefore recommended that, in the event that Members are minded to approve the application, clauses are included in the Section 106 Agreement requiring a full reappraisal of scheme viability to be carried out should affordable housing be delivered on the site through grant supported means (over and above that already proposed which would be secured through the S106 Agreement); and the ringfencing and monitoring of the site abnormal costs such that any costs outturn shortfall can be captured and put towards the requested infrastructure improvement contributions.

8.60 The inclusion of these clauses in the Section 106 Agreement is considered to be reasonable and justified in this case given that none of the requested infrastructure contributions are provided either in full or in part. It is also considered that there are a number of other considerations in this case which need to be weighed against the inherent conflict with Local Plan Policy IN3 and the Developer Contributions SPD which can be summarised as follows:

- The site located just 0.6km west of the town centre of Melton Mowbray where there are a wide range of services, facilities and public transport links whilst the site is also within easy reach of a number of educational establishments, employment opportunities and other facilities such as, for example, an Aldi supermarket 0.3km to the south and a leisure centre and public park less than 0.5km to the south-east. This being the case it is likely that many residents would access the town centre and its services/facilities on foot or by cycling meaning that any impacts on the local highway network could potentially be reduced.

- The proposal would represent a continuation of an extant development site with the dwellings to be constructed forming a second phase of a wider scheme that is already under construction;
- Despite being a scheme of 100% affordable housing, the Phase 1 site was able to support a S106 contribution of £799,500 having benefitted from Homes England grant funding support. When viewed in combination with the Phase 2 development proposal it is the case that the scheme overall is returning a high proportion of affordable housing to the significant benefit of the local community whilst also providing a not insignificant amount of funding towards local infrastructure improvements.
- The scheme would not only boost the Borough's general supply of new housing but it would also boost the supply of smaller homes in particular that would be appropriate for this edge-of-town-centre location and deliver homes that are much more financially accessible than is the case with many other new housing developments in the area.
- Through negotiations with the Applicant during the course of the application process, 8no. one-bed dwellings, 8no. two-bed bungalows built to M4 (2) standards and 2no. two-bed bungalows built to M4 (3) standards have been introduced into the scheme which did not form part of the proposal when originally submitted. The development would therefore make an important contribution towards the delivery of smaller accessible housing, particularly bungalow provision, which is strongly supported by Policy C3 of the Local Plan due to a general shortfall in supply across the Borough.

8.61 For these reasons and subject to the recommended review/reappraisal clauses being included in the Section 106 Agreement such that any shortfall in abnormal costs can be secured and put towards improved infrastructure provision it is considered that, on balance, the proposal is acceptable as a departure from Policy IN3 of the Local Plan as well as the Council's Developer Contributions SPD and approval of the application is therefore recommended on this basis.

## **9 Conclusion & Reason for Recommendation**

- 9.1 The application site is not allocated for housing development in the Local Plan but it does form part of the identified Melton Mowbray Main Urban Area and is considered to be a wholly sustainable and appropriate location for new residential development due to its close proximity to the town centre and the wide range of services, facilities and public transport links that it has to offer. In addition, the proposal would represent the continuation of an extant development site with the dwellings to be constructed forming a second phase of the wider scheme. The development would make a significant contribution towards meeting the minimum housing requirement for Melton Mowbray for the Plan period in an inherently sustainable and accessible location and is therefore acceptable as a matter of principle in accordance with the spatial objectives set out in Local Plan Policies SS1 and SS2.
- 9.2 The proposed housing mix is more heavily weighted towards smaller properties than is identified as the optimum requirement in Table 8 of the Local Plan. However, this is considered acceptable for this site given its relatively close proximity to the town centre and the mixed-use nature of its immediate surroundings. It would also boost the Borough's supply of smaller homes, including bungalow provision, therefore aligning with the overarching objectives of Policy C2 of the Local Plan.

- 9.3 10no. of the proposed properties would be affordable homes equating to 14.3% of the total number of dwellings to be constructed on the development which exceeds that required by Policy C4 of the Local Plan and ensures a policy compliant scheme in this respect.
- 9.4 The proposed development would be acceptable in terms of its siting, design, scale, use of materials and its potential impacts on the character and appearance of the area and neighbouring residential amenity therefore according with Policies D1, EN1 and EN6 of the Local Plan in these respects. Subject to the recommended conditions, the proposal would also be acceptable in terms of its potential impacts on the flow of traffic on the local highway network, means of access, and the provision of parking and turning facilities within the site according with Local Plan Policy IN2 and the NPPF from a highway perspective.
- 9.5 The proposed development is unlikely to adversely impact upon significant archaeological remains thereby according with Policy EN13 of the Local Plan whilst, subject to the recommended conditions, the proposal would also be acceptable in terms of its potential ecological impacts and enhancement thereby complying with Local Plan Policy EN2.
- 9.6 The LLFA and Environment Agency have recommended conditions and have advised that the proposed development would not be at risk of flooding in itself, nor would it increase the risk of flooding elsewhere. This being the case it is considered that the proposal is in accordance with both the NPPF and Local Plan Policies EN11 and EN12 in these respects.
- 9.7 By failing to make any contributions towards infrastructure requirements, albeit for robust viability reasons, the proposal gives rise to a significant policy conflict with Policy IN3 of the Local Plan and the Council's Developer Contributions SPD. However, in this case there are a number of considerations as set out in paragraph 8.60 of this report which in combination are considered to outweigh the inherent policy conflict. For these reasons and subject to the recommended review/reappraisal clauses being included in the Section 106 Agreement such that any shortfall in abnormal costs can be secured and put towards improved infrastructure provision it is considered that, on balance, the proposal is acceptable as a departure from Local Plan Policy IN3 and the Council's Developer Contributions SPD.

## 10 Planning Conditions

- 10.1 The development shall begin before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Dwg No 2749/P102/G - Proposed Site Plan

Dwg No 2749/P201/C - House Type 1 Plans & Elevations

Dwg No 2749/P202/C - House Type 2 Plans & Elevations

Dwg No 2749/P203/C - House Type 3 Plans & Elevations

Dwg No 2749/P204/C - House Type 4 Plans & Elevations

Dwg No 2749/P206/C - House Type 8 Plans & Elevations

Dwg No 2749/P207/C - House Type 11 Plans & Elevations

Dwg No 2749/P209/D - House Type 13 Plans & Elevations

Dwg No 2749/P215/A - House Type 19 Plans & Elevations

Dwg No 2749/P216/A - House Type 20 Plans & Elevations

Dwg No 2749/P219/A - House Type M4 (2) Plans & Elevations

Dwg No 2749/P220/A - House Type M4 (3) Plans & Elevations

(all received by the Local Planning Authority on 8th March 2024)

**Reason:** For the avoidance of doubt and to ensure that the development is in accordance with Policy D1 of the Melton Local Plan.

- 10.3 The external materials to be used in the construction of the dwellings hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

**Reason:** To ensure a satisfactory standard of external appearance and to ensure that the development is in accordance with Policy D1 of the Melton Local Plan.

- 10.4 No development shall commence until such time as the existing and proposed ground levels within the site and proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The approved ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

- 10.5 Prior to the commencement of development a detailed landscaping scheme showing new areas of planting, and the native species to be used, shall be submitted to and approved in writing by the Local Planning Authority. All works are to proceed strictly in accordance with the approved scheme thereafter.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

- 10.6 Prior to commencement of the development hereby permitted, full details of the tree protection measures for all trees and hedges within and adjacent to the development site shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas including any bespoke engineering to reduce the impact to those affected trees. The Statement shall be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012. All tree protection measures shall thereafter be carried out in accordance with the approved Arboricultural Method Statement.

**Reason:** To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area in accordance with Policy D1 of the Melton Local Plan.

- 10.7 No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities;
- B) Identification of biodiversity protection zones;
- C) Practical measures and sensitive working practices to avoid or reduce impacts during construction;
- D) Timing of works to avoid harm to nesting birds;
- E) Responsible persons for overseeing sensitive works; and
- F) Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of minimising any potential impacts on protected species and their habitats during the construction period in accordance with Policy EN2 of the Melton Local Plan.

10.8 Prior to the commencement of the development (including ground works or vegetation clearance), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP is to be based off the Biodiversity Net Gain Metric (RammSanderson, March 2023) and the plan shall include:

- A) Description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
- B) Ecological trends and constraints on site that might influence management;
- C) Aims and objectives of biodiversity enhancements and their management including for protected species;
- D) Appropriate management options for achieving the aims and objectives of the project;
- E) Prescriptions for management actions;
- F) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- G) Details of the body or organisation responsible for implementation of the plan;
- H) Ongoing monitoring and remedial measures; and
- I) Details of the legal and funding mechanism by which the long-term implementation of the plan will be secured.

The plan shall be supported by a BNG metric calculation using the latest DEFRA version of the metric and, once agreed, the approved plan shall be implemented in full accordance with the approved details.

**Reason:** In the interests of preserving and enhancing the biodiversity and ecological value of the site in accordance with Policy EN2 of the Melton Local Plan.

10.9 Prior to the first occupation of the development hereby permitted, a lighting design strategy for wildlife shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify those areas/features on site that are particularly sensitive and shall show how and where external lighting will be installed so that it can be clearly demonstrated (through the provision of lighting contour plans and technical specifications) that areas to be lit will not disturb or prevent wildlife using these features. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved strategy. Under no circumstances should any other external lighting be installed without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of minimising any potential impacts on protected species and their habitats upon occupation of the development in accordance with Policy EN2 of the Melton Local Plan.

10.10 The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (ref: March 2022/V4.0/Final Report (Phase 2) by JBA Consulting) and the following mitigation measures detailed:

- The minimum finished floor levels (FFLs) of the proposed dwellings shall be set at 70.95m Ordnance Datum (AOD) in the western parcel and 71.65m AOD in the eastern parcel in accordance with Section 7.2 of the Flood Risk Assessment);
- Compensatory storage shall be provided to offset the impact of ground raising on site on a level-for-level volume-for-volume basis in accordance with details provided in Appendix J of the Flood Risk Assessment);
- To ensure no increased flood risk elsewhere the flood bund and compensatory areas are to be constructed and made operational prior to the first phase of ground raising taking place;
- Maintenance arrangements for the flood bund and compensation areas are to be agreed for the lifetime of the development. These mitigation measures shall be fully implemented prior to occupation and subsequently maintained throughout the lifetime of the development in accordance with the scheme timing/phasing arrangements.

**Reason:** To reduce the risk of flooding to the proposed development and future occupiers of the site and also to prevent increasing the risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy EN11 of the Melton Local Plan.

10.11 No development 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. Thereafter, the development shall be carried out in accordance with the approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy EN11 of the Melton Local Plan.

10.12 No development shall take place until such time as details in relation to the management of surface water on the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must thereafter 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 in accordance with Policy EN11 of the Melton Local Plan.

10.13 No part of the development approved hereby shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall thereafter be maintained in accordance with the approved details in perpetuity.

**Reason:** To establish a suitable maintenance regime that may be monitored over time and 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 in accordance with Policy EN11 of the Melton Local Plan.

- 10.14 No part of the development hereby permitted shall be occupied until such time as the access arrangements as shown on the Proposed Site Plan (Drawing Reference 2749/P102/G) 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 Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (December 2023)
- 10.15 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the details shown on the Proposed Site Plan (Drawing Reference 2749/P102/G). Thereafter, the on-site parking and turning provision shall be kept clear of obstruction and available for such use in perpetuity.
- Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (December 2023)
- 10.16 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 strict 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 in the interests of highway safety and in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (December 2023)
- 10.17 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 full 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 Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (December 2023)
- 10.18 No development shall take place until a scheme for the treatment of the Public Right(s) of Way during and post-construction has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.
- Reason:** In the interests of amenity, safety and security of users of the Public Right(s) of Way in accordance with Policy IN2 of the Melton Local Plan and the National Planning Policy Framework (December 2023)
- 10.19 No development shall take place until a Phase 2 Site Investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any



contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11 or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.

**Reason:** To reduce the risk of contamination issues in accordance with the National Planning Policy Framework (December 2023)

10.20 No development approved by this planning permission shall be commenced until a Remediation Method Statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The Remediation Method Statement shall use the information obtained from the site investigation and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The Remediation Method Statement must be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

**Reason:** To reduce the risk of contamination issues in accordance with the National Planning Policy Framework (December 2023)

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

**Reason:** To reduce the risk of contamination issues in accordance with the National Planning Policy Framework (December 2023)

10.22 In order to minimise noise disturbance to the occupiers of adjacent residential properties, construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall only be with the prior approval of the Local Planning Authority in consultation with the Environmental Health department of Melton Borough Council.

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or Bank Holidays

**Reason:** To protect neighbouring properties from undue noise and other disturbance in the interests of safeguarding residential amenity and in accordance with Policy D1 of the Melton Local Plan.

## 11 Informatives

- 11.1 A Public Right of Way 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.
- 11.2 A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
- 11.3 Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Local Highway Authority (telephone 0116 305 0001)
- 11.4 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.
- 11.5 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 Local Highway Authority.
- 11.6 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 Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.
- 11.7 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 184 permit/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>
- 11.8 It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- 11.9 If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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>
- 11.10 If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads

within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

## **12 Financial Implications**

12.1 There are no financial implications associated with this planning application.

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

## **13 Legal and Governance Implications**

13.1 Legal implications are set out in the report where relevant and legal advisors will also be present at the meeting.

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

## **14 Background Papers**

14.1 The planning history is contained within Section 3 of the report and the details of which are available to view online.