



21/00405/FUL

Proposal: Redevelopment of site to provide 298 dwellings, including affordable housing, public open space, landscape, access and associated infrastructure.

Site: Jeld Wen, Snow Hill, Melton Mowbray, LE13 1PD

Applicant: Worthearly Ltd

Planning Officer: Louise Parker

Report Author:	Louise Parker , Planning Development Manager
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllrs Margaret Glancy, Simon Lumley and Tim Webster
Date of consultation with Ward Member(s):	13 May 2021
Exempt Information:	No

Reason for Committee Determination:

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

Web Link:

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

What 3 words: <https://what3words.com/tulip.moral.pull>

Previous committee report: N/A

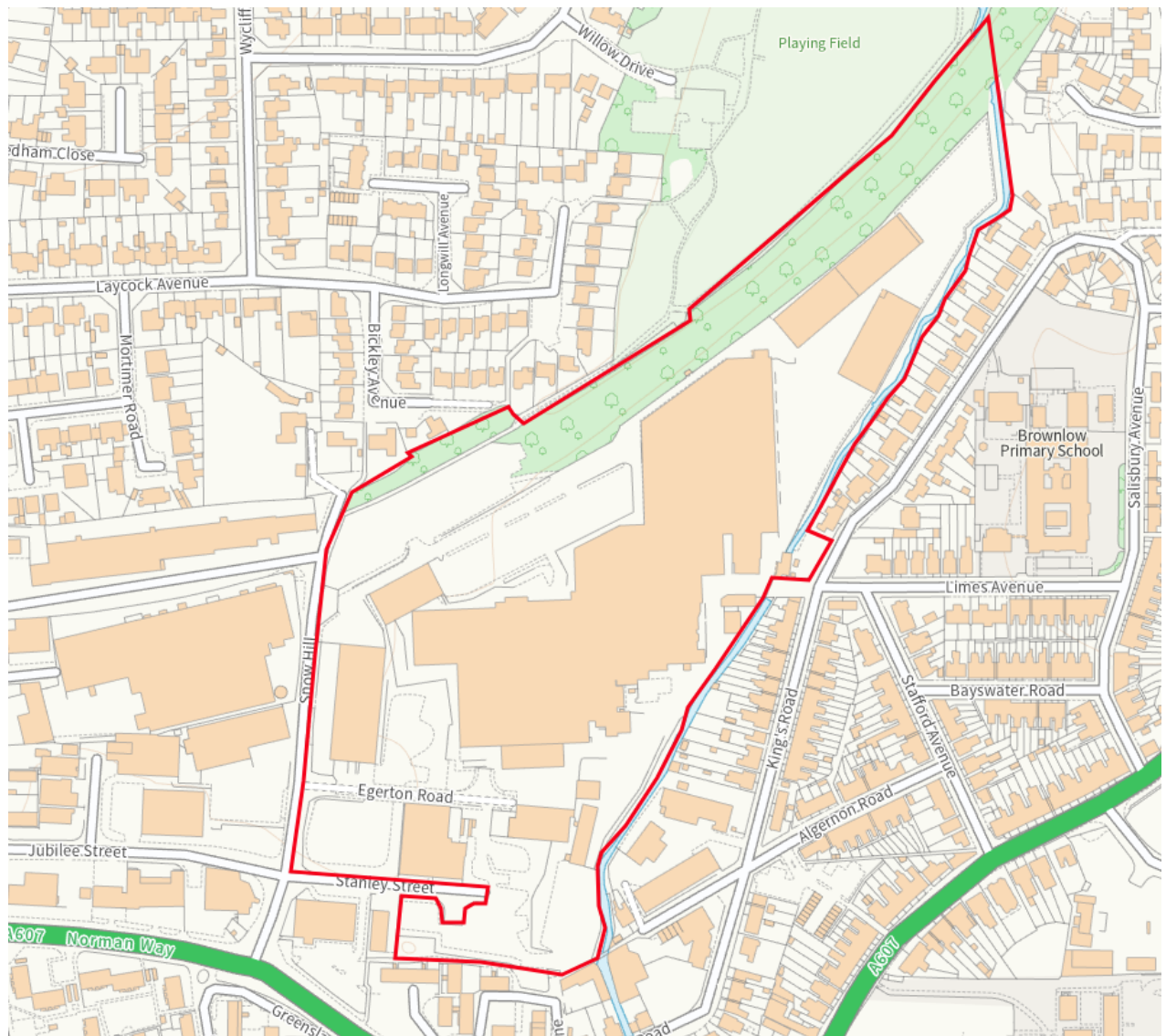
RECOMMENDATION(S)

It is recommended that the planning application be APPROVED subject to;

1. Conditions listed at Section 10 of this report
2. Informatives listed in Section 10 of this report and;
3. A S106 Agreement to provide
 - * Early Years Education £446,234.36
 - * Primary Education £2,025,118.74
 - * Secondary Education £1,242,661.02
 - * Post 16 Education £173,943.00
 - * Secondary SEND Education £88,053.48
 - * Primary SEND Education £64,357.29

* The inclusion of a late-stage review mechanism in respect of contributions associated with the development.

1 Executive Summary



- 1.1 The application site is occupied by vacant commercial buildings last used for employment purposes. It adjoins the southern edge of Melton Country Park with residential to its north, east and south and employment land to its west.
- 1.2 Planning permission is sought in full for the redevelopment of site to provide 298 dwellings, including public open space, landscaping, access and associated infrastructure (amended). Amended plans and up-dated documents have been sought in order to address issues raised through the consideration of the application, by both the community and technical consultees.
- 1.3 Due to the levels of contamination currently on-site as a result of its historic use, the issue of viability has been raised, and a viability appraisal has been submitted by the applicant. This has been independently assessed, and is found to be a true reflection of the viability position at present, in that no contributions are feasible.
- 1.4 Detailed discussions have been held with both the applicant and Leicestershire County Council in respect of the viability position, and whilst the position remains challenging on this site, the applicant has agreed to provide the education contributions to mitigate the impacts, and is willing to enter into a Section 106 agreement for education as per the request of Leicestershire County Council.
- 1.5 Unfortunately, the development cannot support the other requests at this time, but the applicant has agreed to sign up to a review mechanism within the Section 106 to re-assess the site at a later stage during construction to look again at the position should permission be granted.
- 1.6 The proposal is put forward as an opportunity to improve key connections to and from the town centre to Melton Country Park, and open up the east-west connectivity to the north of Norman Way. Snow Hill forms a key north-south pedestrian and cycling route, and is an important entrance point to the town for non-motorised traffic. The report will demonstrate these benefits to be delivered by the development of the site.

Main Report

2 The Site

- 2.1 The site is a brownfield site that was previously occupied by Jeld Wen who manufactured interior and exterior doors, windows and stairs. Jeld Wen closed all three of its sites in Melton Mowbray (two on Snow Hill and one on Thorpe Road) in 2022, and the site has been vacant since around this time. There remain a number of industrial buildings on site with differing scale and form.
- 2.2 The site is irregular in shape and is bordered predominantly by residential dwellings but with an employment use (within the same ownership) to the West. There are existing vehicular accesses into the site primarily from Snow Hill, Egerton Road and Stanley Street, but there is also an existing vehicular access from Limes Avenue to the East of the site. There is a cycle route that runs along the site's northern boundary.
- 2.3 The site is currently secured by way of mesh and palisade fencing as well as sections of close boarded timber fencing. Melton Country Park is located to the North of the site and separated by a disused railway embankment.

3 Planning History

- 3.1 The site has an extensive planning history with the following being the most recent;
- 3.2 17/01092/EIA - Formal EIA screening opinion before possible submission of outline planning permission for up to 280 homes on land at Snow Hill – EIA not required 19th September 2017
- 3.3 16/00338/FUL - Addition of new dust extraction plant – Permitted 7th September 2016
- 3.4 14/00142/FUL - Erection of a modular prefabricated canteen and staff welfare unit – Permitted 8th April 2014
- 3.5 02/00754/FUL - Proposed alteration of use and refurbishment of building from storage to manufacture, replacement of roof and insulation of building – Permitted 9th January 2003
- 3.6 02/00326/FUL - Proposed alteration to access door – Permitted 20th June 2002
- 3.7 01/00036/FUL - Proposed replacement of equipment cabinets with new equipment cabin. Replacement of existing antenna with 6 similar antenna. Installation of up to 3 x 0.6m dish antenna plus ancillary works – Permitted 22nd May 2001

4 Proposal

- 4.1 Full planning permission is sought for the redevelopment of the site to provide 298 dwellings, including public open space, landscaping, access and associated infrastructure.
- 4.2 The application was submitted comprising full plans as well as a Design and Access Statement, Transport Assessment, Contaminated Land Assessment, Planning Statement, Flood Risk Assessment and Affordable Housing Statement.
- 4.3 Through the processing of the application, a Viability Appraisal has also been submitted and following the assessment of the appraisal, the description has been amended to remove reference to affordable housing. Furthermore, amended plans and documents have also been provided to address matters raised during the application process.

5 Amendments

- 5.1 Amendments submitted are as follows;
- 5.2 Up-dated ecological appraisal and an additional bio-diversity metric to address questions raised by LCC Ecology in initial comments;
- 5.3 Private housing stock analysis to address an assessment of existing private housing stock;
- 5.4 An acoustic assessment in response to Environmental Health questions regarding noise impacts from surrounding uses on the proposed dwellings;
- 5.5 An addendum to the Design and Access Statement to address the vacation of the building on-site and consultee responses;
- 5.6 A flooding and drainage technical note to address comments made by the LLFA and EA; and
- 5.7 Amended site layout and housing plans to address the layout of the site and housing types proposed.

6 Planning Policy

6.1 National Policy

- NPPF (2024)

6.2 Melton Local Plan

- Policy SS1 – Presumption in Favour of Sustainable Development
- Policy SS2 – Reserve Sites
- Policy C1(B) – Reserve Sites
- Policy C2 – Housing Mix
- Policy C3 – National Space Standards and Smaller Dwellings
- Policy C4 – Affordable Housing Provision
- Policy EN1 – Landscape
- Policy EN2 – Biodiversity and Geology
- Policy EN6 – Settlement Character
- Policy EN7 – Open Space, Sport and Recreation
- Policy EN13 – Heritage Assets
- Policy IN2 – Transport, Accessibility and Parking
- Policy D1 – Raising the Standard of Design

6.3 Other

- Developer Contributions SPD
- Housing Mix and Affordable Housing SPD
- Design of Development SPD

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

Please note that these are the most recent technical consultation responses received representing the final response. Previous responses can be viewed online to provide the entire history of the application by following this link: [21/00405/FUL | Redevelopment of site to provide 298 dwellings, including public open space, landscape, access and associated infrastructure \(amended\). | Jeld Wen Snow Hill Melton Mowbray LE13 1PD](#)

7.2 LCC Highways (20/12/2024)

- i) Have no objections subject to a financial contribution (to be secured through a Section 106 agreement), conditions and informatives.
- ii) Request financial contributions be secured in relation to the strategic highways network, passenger travel, travel packs and bus passes.

7.3 LCC Archaeology (26/09/2023)

- i) No objections subject to a condition being attached to any approval.

7.4 LCC Contributions (13/03/2025)

- i) Request contributions of;
- Early Years Education £446,234.36
 - Primary Education £2,025,118.74
 - Secondary Education £1,242,661.02
 - Post 16 Education £173,943.00
 - Secondary SEND Education £88,053.48
 - Primary SEND Education £64,357.29
 - Strategic Road Contribution £2,885,674.30
 - Construction Traffic Routing £0.00
 - Waste Management Facilities £24,632.68
 - Sustainable Transport Contribution £511,245.82
 - Travel Packs £15,749.30
 - Travel Pack Admin Fee £500.00
 - Bus Pass Contribution £151,980.00
 - Travel Plan Contribution £6,000.00
 - Libraries £8,817.73
 - **Total £7,644,967.72**

LCC Planning Obligations will not object to the application on the basis of the applicant's revised position on proceeding only with education contributions and a viability review mechanism.

7.5 LCC Ecology (20/09/2023)

- i) Have no objections subject to the imposition of conditions and informatives on any approval.

7.6 LCC Forestry (10/06/2021)

- i) LCC Forestry do not object to the proposal at this time however until such a time as further details regarding the management of trees on the site and the specific designs and locations of trees to be planted within the hard landscape and highway.
- ii) The existing woodland will require a thorough safety survey and should be brought under a management plan which should be followed to ensure the woodland strip is maintained and improved.
- iii) The applicant has not submitted an Arboricultural Impact Assessment for the site. BS5837:2012 – Trees in relation to Design, Construction and Demolition Recommendations, this will be required before a finalised design is agreed, as the existing trees will also impact the designs.
- iv) Any planting within the highway specifically footpaths, should have suitably designed tree pit, it is recommended that the recommendation set out in TDAG – Trees in Hard Landscapes – Delivery Guide

7.7 Lead Local Flood Authority (26/09/2023)

- i) No objections subject to conditions and informatives
- 7.8 Environment Agency (08/09/2023)
 - i) No objection subject to conditions and informatives being attached to any approval.
- 7.9 Historic England (15/08/2023)
 - a) Have no comments to make on this application.
- 7.10 NHS (14/08/2023)
 - a) Request a financial contribution of £197,407.00 toward primary medical care.
- 7.11 National Highways (31/08/2023)
 - a) Offers no objections
- 7.12 Network Rail (03/06/2021)
 - a) No objection in principle.
 - i) Given the size and proximity of the development in relation to the railway it is considered that there may be significant impacts on Melton Mowbray railway station. The Transport Assessment provided with this application notes cycle and pedestrian connectivity between the proposed site and the railway station and indicates the benefit of this for new residents. It is therefore appropriate that a contribution is sought from the developer towards station facility improvements. This could include the provision of cycle shelters to accommodate any increase in cycle use generated by this development as part of any S106 package as the application is processed.
- 7.13 Severn Trent Water
 - a) No comments received.
- 7.14 Sport England (21/08/2023)
 - a) Have no comments to make as the proposal falls outside of their statutory and non-statutory remit.
- 7.15 Designing Out Crime Officer (29/08/2023)
 - a) Has no objections to make
- 7.16 MBC Environmental Health (08/03/2024)
 - a) No objections subject to conditions and informatives being attached to any approval.
- 7.17 **Summary of Representations**
- 7.18 Ward Member(s)
 - a) No comments have been received from any Ward Member.
- 7.19 Parish Council
 - a) The site is within Melton and does not therefore have a Parish Council.
- 7.20 Neighbours
- 7.21 Neutral – 5 letters from 5 addresses;
A summary of the representations are below; for the full details please visit

- Health Care- Latham House is over stretched.
- Potential for overlooking.
- Need to retain existing footpath and disused railway embankment.
- Need to ensure correct infrastructure is in place to support the development
- Need clarity on the position of the footpath and it should not access the alleyway between Raynes Walk and Laycock Avenue
- Proper maintenance needs to be in place and agreed for the bund between Raynes Walk, Bickley Avenue, the footpath and the Jeld Wen site.
- Concern for ecological habitat and wildlife on the old railway line and the brook which runs onto the back of Jeld Wen.

7.22 Objection – 34 objections from 35 addresses

Infrastructure concerns

- Lack of Schools and existing schools already overrun and at capacity.
- There is a need for another GP Surgery and NHS Dentist.
- The town can't sustain any more housing developments.

Highway concerns

- Increase in people and make traffic worse.
- Traffic at peak hours is already horrendous, this development would make it worse.
- Narrow access roads are likely to be congested
- All these houses have been passed but by-pass has not been built.
- Increase of cars and traffic on Norman Way.
- The industrial estate should not be an access point for a new residential estate
- Kings Road already overpopulated and has lots of traffic.
- Insufficient parking
- The current plans have not addressed access points and traffic implications sufficiently.
- Issue of emergency access which has only been considered for the new site using an emergency only access on the east side;
- The Travel Plan relies on pleading with residents to not use vehicles, and doesn't explain walking / cycling routes in and around the estate.
- Highways comments in June 2021 said highways reports needed to be brought up to date.

Design Concerns

- Houses are too small and crowded too close together.
- There are no playgrounds for children

- Doesn't improve pedestrian access much and does nothing for cyclists in respect of Brownlow;
- There are indications that there might be a potential cycle route via northern most access from MCP through the estate to Limes Ave and onto Brownlow. It not clear how this works for walking and cycling. Also access from MCP to Brownlow requires crossing Kings Road. The other access from MCP uses stairs;
- **Amenity and Environmental Concerns**
- Invasion of privacy from proposed new entrance.
- There will be increased noise, light and traffic pollution.
- Submitted reports are from the point of view of potential new residents without consideration for current residents;
- Scalford Brook runs along the edge of this site and building work is likely to lead to pollution, which will then seep into the Rivers Eye and Wreake and the Melton Navigation - harming wildlife and the appeal of these waterways for leisure activities.
- The additional traffic generated by the site will also create further air pollution in and around the town centre.
- Loss of Trees and Hedgerows, more planting is required because of climate change
- Should not destroy natural amenity and repeat mistakes of the past
- The proposed site backs directly onto the country park, there is a lot of wildlife in that area that would surely be impacted for the sake of yet another unwarranted housing estate;
- Building work will create noise pollution for nearby properties and Brownlow School.
- No multi storey building should over-look existing houses;
- Overlooking from people using the access paths

Other Concerns

- Plans are not clear and there is no opportunity to visit the council offices or to attend the planning committee meeting. The committee will not be able to make an accurate assessment if the public are not properly informed and their views are not taken into account.
- Deterioration of gabions could cause injury.
- No maintenance company or plans for the existing bund.
- Should consider other sites for housing out of the town centre.
- Too many homes proposed
- Viable alternatives: This site's location creates an excellent opportunity to create a better link between Melton Country Park and the town centre
- The car park on Kings Rd should not be built on as it could be used as a resident's car park, not more houses.

7.23 Support – 3 letters from 2 addresses

- Opportunity to connect MCP properly to the town centre and Brownlow School for cyclists and pedestrians, noting that the cycle path has been integrated into the plans which is good.

- Many is in need of housing stock, whilst there are many developments taking place, there is a focus on larger detached properties;
- Any development which focuses on smaller properties needs to be encouraged. 55% of the homes are to be affordable. This has to be applauded if home ownership is to be attainable across all social economic backgrounds. I'm particularly encouraged that a portion of these will be rental properties of which the local authority will be the landowner; and
- This is a brownfield site that needs development.

7.24 **Response to Consultations and Representations**

7.25 It is acknowledged that health care locally is stretched (doctors and dentistry) and while it is welcomed to see that the NHS have requested financial contributions that would go towards the provision of further health care provision. As set out in the report the scheme is not able to make those contributions as a result of the costs of remediating the contamination that exists on site. The same position exists regarding other contributions sought relating to highways, waste and amenities. Officers are aware of efforts being made to try and provide further medical infrastructure, but ultimately this responsibility lies with the Integrated Care Board (NHS), and not the local planning authority.

7.26 It is not considered that there will be any over-looking or loss of privacy that would justify a refusal being issued while LCC Ecology, as the LPA's ecological advisors, are satisfied that there will be no unacceptable impacts arising from this proposal.

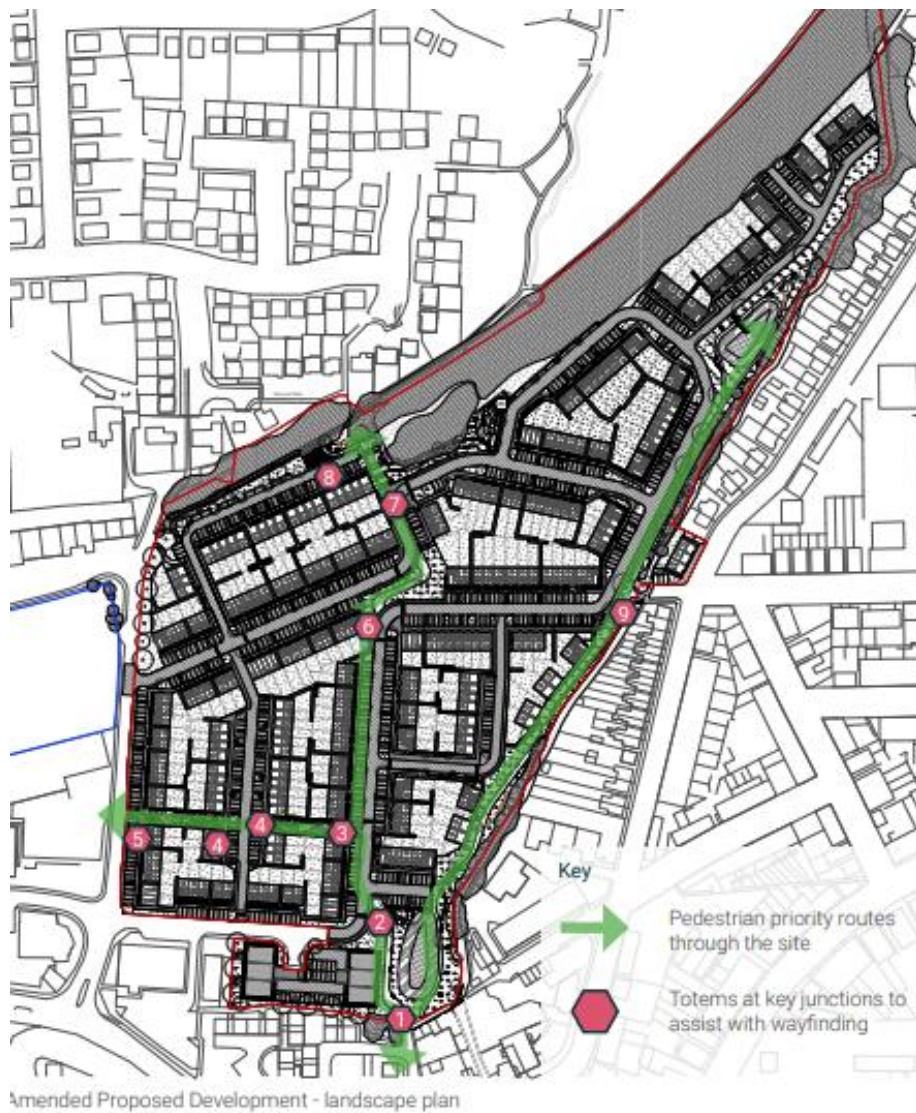
It is acknowledged that there needs to be sufficient provision for education in the Borough as a result of this and other developments. Detailed discussions have been held with the applicant and Leicestershire County Council following the assessment of the viability appraisal and whilst the proposal is not considered to be viable, the applicant has agreed to pay the education contributions sought by LCC along with agreeing to a late-stage review mechanism to be attached to the section 106 Agreement should the application be approved.

7.27 In respect of highway matters including parking provision, the Local Highway Authority (LHA) has commented that they have no objections subject to conditions. They are satisfied that the proposal will not result in any unacceptable highway or pedestrian impacts that render the proposal unacceptable.

7.28 The proposed housing on the site meets the needs as required and set out in the Local Plan on this reserve housing site. The density of the development is not of a level that would justify a refusal being issued.

7.29 The proposal will result in additional trees and hedgerows being planted throughout the development including along its northern boundary while it will also have no adverse or detrimental impacts upon ecology as confirmed by LCC Ecology.

7.30 In relation to footpaths, the existing footpath to the country park will be retained and pedestrian access will be provided from the site onto this existing west to east footpath (see extract below). There is detail within the D&A statement for this access point. There is no proposed link to Raynes Walk.



Amended Proposed Development - landscape plan

8 Planning Analysis

8.1 Main Considerations

8.1.1 The main areas for consideration relate to;

- a) The principle of the development;
- b) Site layout Inc. landscaping;
- c) Housing mix and space standards;
- d) Design, appearance and amenity;
- e) Highways and parking;
- f) Drainage;
- g) Contamination;
- h) Ecology;
- i) Archaeology and heritage;
- j) Contributions and viability; and
- k) Conclusion.

8.2 Principle of Development

- 8.2.1 Planning law states that planning decisions must be made in accordance with the development plan, unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 & Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 8.2.2 The Melton Local Plan forms the key part of the development plan and was adopted on 10th October 2018 and has full weight in decision making.
- 8.2.3 The National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG) are very important material considerations that carry great weight and also contain policies and advice and guidance to the decision maker.
- 8.2.4 The site is within Melton Mowbray located close to the town centre. Policies SS1 and SS2 of the Melton Local Plan apply which reflect the presumption in favour of sustainable development within the NPPF and confirm the Development Strategy for the Borough.
- 8.2.5 Policy C1 (B) of the Local Plan relates to reserve sites for new housing developments and sets out a list of reserve housing sites. The site to which this application relates is included in the list under reference MEL11 with a capacity for 240 dwellings assessed via a desktop exercise during Local Plan preparation.
- 8.2.6 The figure in the Local Plan is **indicative** only and an appropriate design-led solution should be delivered for a site even if this is for a higher figure or a lower figure than the indicative one, provided it is otherwise consistent with the Development Plan and National Policy.
- 8.2.7 Paragraph 124 of the NPPF expects planning decisions to support development that makes efficient use of land, taking into account such factors as safeguarding and improving the environment and ensuring safe and healthy living conditions. It should be noted that the Local Plan sets out a minimum housing requirement for the Borough rather than a maximum.
- 8.2.8 Consequently, whilst the development proposes a level of housing greater than that indicatively anticipated within the development plan, the submitted details show that 298 dwellings do sit comfortably within the site with sufficient gardens, landscaping, parking and appropriate open spaces.
- 8.2.9 The application site became allocated as a reserve site due to work that supported the Local Plan (2018) examination, whereby a site assessment was undertaken and submitted for consideration during the Local Plan submission. The site boundaries of the site assessment are the same as the application documents. When the site assessment was submitted the Council received a number of responses from various stakeholders that informed the approach taken in the Local Plan.
- 8.2.10 The assessment states that the landowners confirmed the Jeld Wen lease ended in 2021 after which they were promoting the site for residential development. The Council concluded that because the site was unlikely to be available within the first 5 years of the plan it would be a reserve site. The site has the Strategic Housing Land Availability Assessment (SHLAA) reference MBC/153/15 which means that the site was promoted to The Council in 2015, during a call for sites exercise that was undertaken in preparation for the 2018 Local Plan examination and adoption.
- 8.2.11 In relation to the most recent Employment Land Study (2024), pages 169-170 include an assessment of the land to the west of Snow Hill that is identified as an existing employment site EC3(xiv). The assessment table recognises that the Jeld Wen reserve site has a

residential planning application submitted, and the mapping (page 164) shows that this area is not assessed as part of the employment evidence. Regardless of how other sites are/are not assessed in the study, the Snow Hill site is assessed on its own context and merits. If the study assessed the MEL 11 reserve site as an employment area then this would be inconsistent both with the Local Plan and the reality of the landowner's intentions, and would have resulted in inaccurate supply calculations which could then become a point of challenge in the Local Plan Update and its examination.

8.2.12 The principle of the development is therefore considered to be acceptable and in accordance with the provisions of Local Plan policies SS1, SS2 and C1(B) as well as the NPPF with the scheme representing an effective, efficient and sustainable use of the site.

8.3 **Site Layout Inc. Landscaping**

8.3.1 The proposed site layout plan has vehicular access into and out of the site via both Snow Hill and Stanley Street. From these vehicular access points, a main 'loop' road will traverse through the site, off which a number of smaller roads / private drives will be located that will serve the 298 dwellings proposed.

8.3.2 The dwellings are positioned so that their frontages sit parallel to the roads and with parking spaces predominantly situated between the front of the dwellings and the road. All of the dwellings have private rear gardens and there is a generous spread of planting across the site in open areas. This includes a substantial area of planting along the site's northern most boundary which runs south-west to north-east and abuts an existing footpath and cycle way. It also shows a sustainable urban drainage (SuDs) feature to the southeast of the site in close proximity to the Stanley Street access point.

8.3.3 The provisions of policies EN1, EN6 and D1 are relevant in the assessment of the site layout.

8.3.4 Policy EN1 relates to landscaping and seeks, amongst other things that new developments need to respect existing landscape character and features. Additionally, proposals will be supported where they do not have adverse impacts on features including trees and hedgerows.

8.3.5 Policy EN6, relates to settlement character, and sets out that development proposals will be supported where they contribute to the character of a settlement, amongst other things.

8.3.6 Policy D1 requires an application to raise the standard of design, and details that developments will be assessed against a number of criteria including siting and layout being sympathetic to the character of the area, amenity of neighbours and neighbouring properties should not be compromised, adequate provision is made for parking spaces and that existing trees and hedgerows should be utilised to negate the effects of the development.

8.3.7 As proposed, the layout has been arranged in a manner that ensures the most efficient and effective use of the site. The layout reflects the street patterns and development primarily seen to the east of the site where there are straight street lines, with dwellings facing directly onto the streets. The continuity of the street patterns assists in reflecting the character of the area.

8.3.8 While the number and arrangement of the dwellings represent a slightly higher density than the surrounding area, the development site is located close to the town centre where sustainable transport options are available, and residents will have excellent access to large

public open spaces such as the Melton Country Park on the doorstep. The proposal is therefore considered to represent the best and most efficient use of the available land.

- 8.3.9 The site area is 8.68 hectares (as submitted on the application form), the proposal for 298 dwellings represents a gross density of 34.33 dwellings per hectare or 13.8 dwellings per acre. There is no rule in terms of dwellings per hectare and the site layout shows an appropriate mix of both built form and green space of the development proposal.
- 8.3.10 Furthermore, the layout and positioning of the dwellings are such that they will not result in any overlooking, loss of privacy or overbearing impacts upon either each other or adjacent existing residential areas. Given that the location is in the most sustainable settlement in the borough, a development which provides a slightly higher density is appropriate, particularly given the close proximity to a substantial open space to the north (Melton Country Park).
- 8.3.11 The layout of the development is reflective of the other dwellings in the area which are in regular shaped blocks fronting onto roads with parking to the front / side of the dwellings (or on street). As mentioned in 8.3.2, the proposal benefits from a high level of planting in the public areas which creates and contributes towards a sense of character and place in the scheme. Officers consider that this serves to enhance the development in that it will provide features in the streetscene beyond the dwellings and parking areas.
- 8.3.12 As part of the submission, proposed landscaping plans have been provided which detail both soft and hard landscaping across the site. These are supplemented by both the design and access statement as well as the landscape and visual assessment report. Assessments of these plans and documents indicate a comprehensive landscape strategy has been developed for the site which is considered to be acceptable.
- 8.3.13 Overall, it is considered that the proposal complies with the provisions of Local Plan policies EN1, EN6 and D1.

8.4 **Housing Mix and Space Standards;**

- 8.4.1 Policy C2 of the Local Plan relates to housing mix within residential developments while policy C3 relates to national space standards.
- 8.4.2 The provisions of policy C2 and its supporting text sets out that the Council will seek to 'manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 8 or in any future update of the housing mix evidence. Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough including extra care and accessible housing, having regard to the latest evidence of housing need. Residential developments which include bungalows will be particularly supported'.
- 8.4.3 Whilst the application as originally submitted was a mix of private and affordable housing, as set below under the Viability heading, the contaminated nature of the site is such that the development is now proposed to be private housing. Based on the submitted documents and change in tenure resulting from the viability issues discussed below, the development is now proposed to comprise 12 x one-bed units, 79 x two-bed units, 131 x three-bed units and 76 x four-bed plus dwellings. This will be delivered via a mix of flats and houses.

8.4.4 Table 8 of the local plan, associated with policy C2, sets out the optimum private housing mix as follows;

1-bed	2-bed	3-bed	4+ bed
5%	30 %	45 – 50 %	15 – 20 %

8.4.5 On the numbers being considered the proposal has the following percentage mix (rounded to the nearest whole number);

1 – bed	2-bed	3-bed	4+ bed
2%	27%	45%	25%

8.4.6 From the above it can be seen that the number of one and two-bed units is a little below the optimum while the number of 3-bed units is within the optimum range. Although the number of 4+ bed dwellings exceeds the optimum range, given the viability number discussed below, it is considered in this instance to be acceptable on the grounds that the amount exceeded is not too great given the contamination on-site and viability issues. Furthermore, the policy seeks an ‘optimum’ housing mix rather than a mix that should be rigidly applied to all developments. The Local Plan therefore has flexibility built into it in this regard.

8.4.7 Turning to the size of the dwellings that form the proposal, the provisions of policy C3 seek open markets dwellings to meet the national space standards as set out in table 9 of the local plan.

8.4.8 An assessment of the proposed dwellings against the standards shows broad compliance to these standards such that officers are satisfied the proposed residential units will afford a good level of useable space within them to the benefit of future occupiers.

8.4.9 On the basis of these points the proposal complies with the provisions of policies C2 and C3.

8.5 Design, Appearance and Amenity;

8.5.1 The assessment of design, appearance and amenity are considered against the provisions of Local Plan policy D1 as well as the Design of Development SPD.

8.5.2 Policy D1 details that developments will be assessed against a number of criteria including siting and layout being sympathetic to the character of the area, amenity of neighbours and neighbouring properties should not be compromised, adequate provision is made for parking spaces, and that existing trees and hedgerows should be utilised to negate the effects of the development.

8.5.3 The Design of Development SPD, adopted February 2022, sets out 6 key design principles including the need to make space for water, have accessible and legible streets and have locally distinctive places. It also sets out that developments should, amongst other things, reflect the topography of the area alongside the character and appearance of the site surroundings.

8.5.4 A total of 7 different house types are proposed across the development. Within six of these house types there are two or three slightly differing iterations such that overall, there are 16 different dwelling types. The dwellings proposed are a mix of terraced and semi-detached dwellings and are 2, and 3-storey in height with pitched roofs above. The design of the

dwelling provides a variety of different styles across the development (16) all of which are different but draw from the surrounding current housing in terms of features such as front gables, gable and hipped roofs and window styles. These different features utilised throughout the development provide a varied housing stock style in the development contributing to the types of design and appearance sought through the Design of Development SPD. It also enables and ensures the development is respectful and in-keeping with the character and appearance of the area.

- 8.5.5 Details of materials have been provided on a number of the submitted drawings albeit in a basic form of, for example, red facing brick. While the basic overarching details given are acceptable and in keeping with the immediate and wider areas, in the absence of specific details of materials a condition will need to be attached that requires these specific details to be provided before any work above damp-proof course (dpc) takes place. This will further ensure that the dwellings are in keeping with the area and respectful of the character and appearance of the wider locality.
- 8.5.6 The dwellings proposed are of a design, layout and appearance such that they will not overlook or be overbearing on each other nor on the existing sites adjacent to and surrounding the application site. The separation distances are suitable and accord with the Design of Development SPD. On this basis there will be no loss or impact upon residential amenity.
- 8.5.7 Parking spaces have been provided throughout the site for the dwellings proposed while planting is also proposed in the streetscene. This has the effect of ensuring parking is provided while also through the planting providing relief from the built environment.
- 8.5.8 Overall, therefore the proposal is considered to comply with the provisions of policy D1 as well as the Design of Development SPD.

8.6 Highways and Parking

- 8.6.1 As previously set out, the proposal provides 2 vehicular access points into the site and includes internal roads and parking. Therefore, the provisions of Local Plan policy IN2 are relevant.
- 8.6.2 Policy IN2 sets out that the Council and its delivery partners will support and promote an efficient and safe transport network which offers a range of transport choices for the movement of people and goods, reduces the need to travel by car and encourages use of alternatives, such as walking, cycling, and public transport. It continues by setting out that all new developments should, where possible, have regard to a number of factors including being located where travel can be minimised and the use of sustainable transport modes maximised, do not unacceptably impact upon the safety or movement of traffic on the highway network and have sufficient parking provision.
- 8.6.3 A Transport Statement and Travel Plan were submitted as part of the application and the Highway Authority was consulted on the proposal.
- 8.6.4 Following a number of consultation responses seeking further information on the proposal, the Highway Authority 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 116 of the

National Planning Policy Framework (2024), subject to the conditions and/or planning obligations.

- 8.6.5 The Local Highway Authority's assessment of the originally submitted documents alongside additional information provided are such that they were satisfied that the proposed access points and internal highways were acceptable alongside the provision of the parking spaces.
- 8.6.6 The parking spaces are sufficient in numbers to meet adopted standards and although no details have been provided regarding cycle parking this can be covered by way of a planning condition that has been requested by the Highway Authority.
- 8.6.7 In addition to the conditions sought, a financial contribution has also been requested towards strategic road improvements, passenger transport travel plans and bus passes. This is assessed below under the 'Contributions and Viability' heading.
- 8.6.8 Overall, on the basis of the Highway Authority comments, officers are satisfied that the proposal complies with the provisions of policy IN2.

8.7 **Drainage**

- 8.7.1 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.
- 8.7.2 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.
- 8.7.3 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.
- 8.7.4 A number of flooding and drainage related documents were submitted alongside the application. Further additional documents and reports were submitted following further discussions / requirements from the Lead Local Flood Authority.
- 8.7.5 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) were consulted on the application with responses received by both.
- 8.7.6 Within their response, Leicestershire County Council as Lead Local Flood Authority (LLFA) noted that the majority of the site is located within Flood Zone 1 being at low risk of fluvial flooding, and that a small section the site falls within Flood Zone 2 (medium risk), however no development is proposed for this section. Surface water flood risk is restricted to specific flow paths and ponding around the existing buildings.

- 8.7.7 On the basis of this evidence and the documents provided, the LLFA are satisfied that the proposal would be acceptable subject to conditions and informatives being attached to any approval.
- 8.7.8 In respect of the EA comments, initially they objected in the absence of an acceptable flood risk assessment (FRA), but advised that they had no objections in respect of ground water subject to conditions being attached to any approval.
- 8.7.9 A Flood Risk Assessment was submitted as part of the application, and sets out how the site is located partly within flood zone 2 but that no part of the development is within that section. It concludes that the proposal would not impact upon flooding in this context. This has also been confirmed by the LLFA in their comments of no objection.
- 8.7.10 In respect of the submitted FRA, following the submission of a technical note by the applicants, an up-dated EA response was received. They set out that they had no objections, subject to conditions and informatives being attached to any approval as it would not impact upon the flood zone.
- 8.7.11 It can therefore be seen that the proposal will not impact on flooding or drainage subject to the imposition of conditions to any approval. The proposal therefore complies with the provisions of local plan policies EN11 and EN12.

8.8 Contamination and Amenity

- 8.8.1 Through the consideration of the application, it has been established that there is significant land contamination on the site as a result of the previous industrial use of the site. It has also been established that the level of contamination is of a significant level requiring remediation, whereby contributions towards areas such as highways, education, affordable housing and the NHS would render the scheme to be unviable.
- 8.8.2 As part of the submission a number of documents relating to contamination on the site as well as amenity resulting from noise have been submitted for consideration on their own as well as contaminations consideration within the context of viability.
- 8.8.3 The submitted documents were assessed by Environmental Health colleagues who commented that the assessments are fairly comprehensive, and use a BS4142 assessment for current noise levels, plus additional criteria for the currently vacant Jeld Wen industrial site. The consultants have rightly acknowledged that this vacant site has B2 unrestricted use, and any assessment needed to take this into account.
- 8.8.4 From a noise perspective they took account of the relevant criteria and information including having taken background readings at the sites away from the industrial source, to ensure that the background levels are not elevated. While an issue was raised in respect of noise, this has subsequently been addressed through measures assessed and agreed by Environmental Health whereby improved boundary treatment fencing is to be provided.
- 8.8.5 Turning to the issue of contamination resulting from the authorised use of the site, Phase 1 and Phase 2 contamination reports were submitted as part of the application covering a large proportion of the site and highlights a significant amount of contamination present. There is an area not covered by the report for which a further contamination report is required.
- 8.8.6 An assessment of the submitted contamination reports has indicated that there is a high level of contamination on the area that has been covered by the reports and that it can be dealt with by way of remediation, but further investigation will be required. The further

investigation is where the existing building on the site is located and it is anticipated that, based upon the reports provided, any contamination found would be able to be addressed through appropriate remediation.

- 8.8.7 In order to ensure the existing and potential contamination is dealt with, a condition will be required on any approval. This will require the submission of a further contamination report undertaken across the whole site. The resultant report will need to include remediation. This will need to be undertaken prior to work commencing on-site with the exception of demolition of the existing building.
- 8.8.8 It can be seen that while there are issues relating to on-site contamination and noise from surrounding uses, these can be mitigated against through the use of appropriate planning conditions such that the development is acceptable from an environmental health perspective.
- 8.8.9 The issue of contamination has also been addressed by the Environment Agency in their response. They identify contamination issues and have resultantly requested a condition be attached to any approval relating specifically to the provision of remediation prior to work commencing. It is considered that condition meets the relevant tests and is recommended in the list of conditions.
- 8.8.10 From this it can be seen that there are noise and contamination issues associated with the development resulting from the authorised use of the site alongside the existence of noise generating uses in proximity to the site. While these exist, it has been shown that they are matters that can be addressed by way of conditions so that the impact is addressed appropriately.
- 8.8.11 As such the proposal complies with the provisions of local plan policy EN1, subject to conditions on any approval of planning permission.

8.9 Ecology

- 8.9.1 The site is located immediately adjacent to Melton Country Park. The application site currently comprises an industrial site made up of an existing building with large concrete apron around it on which, when the building was used, vehicles associated with the industrial operations would park and manoeuvre.
- 8.9.2 The provisions of the NPPF are relevant as well as policies EN1 (landscape) and EN2 (biodiversity and ecology).
- 8.9.3 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment including ecology with paragraphs 192-195 inclusive relating specifically to habitats and biodiversity. They set out overarching provisions for the conservation and enhancement of ecology and habitats.
- 8.9.4 Policy EN1 relates to landscaping and sets out that new developments be conserved and enhanced by various means including respecting important trees, hedgerows, watercourses and are also sensitive to the sites location including character and appearance.
- 8.9.5 Ecology is specifically addressed in policy EN2 which sets out that the Council will seek net gains for nature, proactively seeking habitat creation while protecting and enhancing existing ecology including contribution to the provision of coherent wildlife networks and creating new habitats while also promoting the preservation, restoration and re-creation of UK priority species.

- 8.9.6 An ecological appraisal was submitted as part of the application and subsequently up-dated following initial comments made by LCC Ecology. This set out the ecological assessments and implications on the site.
- 8.9.7 The application was submitted in 2021 and therefore pre-dates the statutory requirements relating to biodiversity net gain meaning there is no requirement that the development must result in biodiversity net gain.
- 8.9.8 The documents were assessed by LCC Ecology, as the LPA's ecological advisor, who following e-mail exchanges and additional information being provided, commented that they have no objections to the proposal subject to conditions and informatives being attached to any approval.
- 8.9.9 On the basis that LCC Ecology are satisfied with the development from an ecological perspective subject to conditions and informatives being attached to any approval, it is considered that the proposal will not result in any adverse or detrimental impacts ecologically.
- 8.9.10 As such the proposal complies with the provisions of local plan policies EN1 and EN2.

8.10 **Archaeology and Heritage**

- 8.10.1 As part of the application an archaeological and heritage assessment has been provided.
- 8.10.2 No heritage designations – Listed Buildings, Conservation Area and Scheduled Ancient Monuments – are within the application site. There are a number of listed buildings and a conservation area to the south of the site, albeit a distance from it in Melton Mowbray town centre.
- 8.10.3 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.
- 8.10.4 Paragraph 210 of the latest version of the NPPF published in December 2024 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:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservations of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.10.5 Paragraph 212 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.

- 8.10.6 Paragraph 213 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 214 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.
- 8.10.7 The provisions of local plan policy EN13 are relevant which sets out that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through a number of ways. This includes seeking to ensure the protection and enhancement of heritage assets when considering proposals and seeking to ensure new developments make a positive contribution to the character and distinctiveness of the area.
- 8.10.8 The location of the site and development are such that there will be no impact on any listed building or conservation area as a result of the distance and lack of inter-visibility between the nearest of these two types of heritage asset and the application site.
- 8.10.9 Historic England has detailed in their response that they have no comments to make on the application which officer consider reflects the points made in the preceding paragraph.
- 8.10.10 LCC Archaeology have commented that they have no objections to the proposal subject to a condition relating to the archaeological investigation of the site and subsequent provision of a report on the investigation. This suggests that while there may be archaeological heritage on the site, it would not be of a nature that would prevent the proposed development being able to move forward and be implemented where planning permission is given. On this basis any harm to any assets found would be considered to be very limited so as to not be unacceptable.
- 8.10.11 It is considered that the proposal would not result in any unacceptable harm to heritage assets such that the proposal complies with the provisions of local plan policy EN13 as well as the NPPF.

8.11 Contributions and Viability

- 8.11.1 Policy C4 of the MLP states that Melton Borough Council will seek to manage the delivery of around 1300 new affordable homes between 2011 and 2036 in order to balance the housing stock and meet the community's housing needs. It will do this by applying a target for affordable homes within housing developments on all sites of 11 or more units having regard to market conditions, housing needs, housing mix (in regard to tenure, type and size), economic viability and other infrastructure requirements.
- 8.11.2 Paragraph 59 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in National Planning Guidance, including standardised inputs, and should be made publicly available.

- 8.11.3 The demonstration of viability is considered to be a significant material consideration in the determination of this application (Planning Practice Guidance states that “The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case...”)
- 8.11.4 Due to contamination issues associated with the site alongside the levels of contributions sought, a viability appraisal has been submitted by the applicant / agent and subsequently assessed independently.
- 8.11.5 The assessment of the submitted information was based on that information submitted as well as dialogue with the company who prepared the submitted appraisal. The independent assessment of the submitted appraisal found that taking account of the contributions sought, the development would not be financially viable, and cannot at the present time make contributions to mitigate the impacts of the development.
- 8.11.6 Whilst it is regrettable that a development of this size, in close proximity to the town centre of Melton Mowbray cannot at this time make financial contributions to mitigate all of its wider impacts, the applicant has agreed to provide the Education contributions as requested by Leicestershire County Council, totalling £4,040,367.89 in recognition of the importance of ensuring that children have access to suitable education facilities. It is important to note that this is the maximum that could be requested at the relevant time by the local education authority, as further assessments of birth rates, demographics and school place availability will be undertaken at the point that contributions become payable (i.e. the trigger points during the construction of the development).
- 8.11.7 The applicant’s agreement to make this contribution follows detailed discussions held with Leicestershire County Council, and takes account of the strategic ambitions of both the Borough and County Council. The financial contribution has been aligned to Tier 1 of the requirements within the Council’s adopted Developer Contributions SPD, and the County Council’s Planning Obligations Policy. The County Council have confirmed that they do not object to this approach in these specific circumstances.
- 8.11.8 In terms of the planning balance, there are a number of issues weighing in favour of granting consent despite the lack of a full suite of financial contributions. The site is now derelict, and its overall appearance is having a harmful effect in the local area to both businesses and residents. The site overlooks a key north/south connection between the Melton Country Park and the town for pedestrians and cyclists, and its appearance overall is having a negative impact in terms of the perception of a safe route for more vulnerable users. It is highly unlikely that another manufacturing company will occupy the site, and the location has been assessed as suitable for housing development in the Melton Local Plan. It is allocated in the Local Plan as a ‘reserve’ housing site for the reasons as set out above.
- 8.11.9 Whilst the site is not adjacent to the Conservation Area, nor are there any listed buildings in the vicinity, the site forms the eastern boundary of Snow Hill, and makes an important impression on visitors to and from the Melton Country Park along its western and northern boundaries. Due to the site’s location abutting an existing industrial estate to the west and an existing residential area to the east, the site creates an east/west severance, pushing all pedestrian movements towards Norman Way, including young children attending Brownlow School. The benefits of opening up the site to this east / west connectivity, providing a significant betterment to the access and approach to the Melton Country Park, and providing much needed housing on a reserve housing allocation is considered to outweigh the effective harm created by the lack of a full suite of developer contributions to mitigate the wider impacts of the development.

- 8.11.10 The site is a reserve housing allocation in the Melton Local Plan, and whilst the Council can at present demonstrate in excess of a 5 year housing land supply, in the context of a housing crisis, and the government committing to a target of 1.5 million homes in this parliament, the benefits of the additional housing in a highly sustainable location are considered to outweigh the harms that arise from the lack of financial contributions.
- 8.11.11 Further discussions have taken place with the applicant and agent in respect of a review mechanism which is intended to enable a review of the development at certain points during implementation to establish if, at those points in time, further contributions could be made. If the viability situation does change as development proceeds, we will be able to secure further developer contributions to mitigate the impacts of the development.
- 8.11.12 Regrettably, based on the submitted and independently assessed viability appraisal, officers are satisfied that the proposal is currently unable to provide the full suite of contributions requested for the scheme. If the application is approved, the education funds will be secured through a Section 106 Agreement which will also contain a review mechanism that allows for a review of the scheme's viability and will enable this to be reassessed in future. This will ensure that should circumstances change then further contributions could be provided after a review. On the basis of the planning balance as set out above, the inclusion of education contributions and the applicant's commitment to a review mechanism, the proposal is considered to be acceptable in respect of viability and developer contributions. The County Council have advised that they are content with this approach should the application be approved.

9 Conclusion & Reasons for Recommendation

- 9.1 The site is situated in with Melton Mowbray built up area and is allocated for housing by way of being a reserve site. In this instance it is considered appropriate to bring this site forward in order to bring the housing delivery ratio across the Borough closer to the 65:35 split as specified within the Council's development strategy.
- 9.2 The development of the site will create a substantial betterment to the east/west connectivity in the town to the north of Norman Way, an enhanced approach and exit from the Melton Country Park including the essential north/south pedestrian and cycle route to and from the town, and much needed housing. The Council can demonstrate in excess of 5 years housing land supply, but in the context of a housing crisis and the government's commitment to delivering 1.5 million homes in this parliament, the site makes a valuable contribution in a very sustainable location.
- 9.3 The site will provide a comprehensive development of housing of types and tenures broadly in-line with the optimum provision in a manner where there are no highway or pedestrian issues and parking spaces in accordance with standards. Each dwelling will have private amenity space while there will be no adverse or detrimental impacts from the proposal on existing neighbouring and surrounding sites nor within the development itself.
- 9.4 There will be no adverse or detrimental impacts on heritage assets nor upon ecology while the development will contribute to contamination on the site being addressed.
- 9.5 While the development proposed would normally require contributions to be made in accordance with those sought by technical consultees, a viability appraisal has been submitted and independently assessed. The assessment concluded that any contribution would result in the development not being viable, however as stated above, the applicant has committed to paying the education contributions as requested by the County Council

and a late stage review mechanism which could enable further contributions to be made in the future.

- 9.6 For the reasons as set out in the report, the application is therefore recommended for approval, subject to the conditions as set out below and a S106 for education contributions and a review mechanism in regards to securing any future developer contributions.

10 Planning Conditions and Informatives

- 10.1 The development shall be begun 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 approved shall be implemented in accordance with the following;

Documents;

Application forms

A3045 2-10 DAS Rev 4

A3045 2-10 DAS Addendum Rev 10

Addendum Technical Note – Bats – EDP – September 2023

Additional Biodiversity Metric – EDP – July 2023

Amended Ecological Appraisal – EDP – July 2023

Landscape and Visual Impact Assessment – EDP – June 2023

Arboricultural Impact Assessment – EDP June 2023

Archaeological and Heritage Assessment – EDP – June 2023

Written Scheme of Investigation – MOLA – October 2018

Transport statement MEC Technical Note 23147-TRAN-0803 dated November 2024

Flood Risk Assessments MEC Technical Note 23147-FLD-0101 dated July 2023.

MEC Ground Investigation Report 23147-04-GI-01 dated January 2021.

MEC Acoustics and Overheating Assessment 23147-ENV-0401 dated June 2023

Drawings numbered;

A3045 – 050 Rev 10

A3045 – 055 Rev 10

A3045 – 100 Rev 13

A3045 – 150 Rev 13

A3045 – 151 Rev 13

A3045 – 152 Rev 13

A3045 – 153 Rev 13

A3045 210 Rev 10

A3045 211 Rev 10

A3045 212 Rev 10

A3045 213 Rev 10

A3045 214 Rev 10

A3045 215 Rev 10

A3045 216 Rev 10

A3045 217 Rev 10

A3045 218 Rev 10

A3045 219 Rev 10

A3045 220 Rev 10

A3045 221 Rev 10

A3045 222 Rev 10

A3045 223 Rev 10

A3045 224 Rev 10

A3045 225 Rev 10

A3045 260 Rev 10

A3045 261 Rev 10

A3045 262 Rev 10

A3045 263 Rev 10

A3045 300 Rev 10

A3045 305 Rev 10

A3045 310 Rev 10

A3045 501 Rev 10

A3045 502 Rev 10

A3045 503 Rev 10

A3135 100 Rev 12

A3135 101 Rev 12

A3135 102 Rev 12

23147-08-020-01 Rev C

23147-08-020-02

23147-01-230-01 Rev D

Reason: For the avoidance of doubt and to ensure the development is implemented in accordance with the documents and drawings assessed and found to be acceptable.

10.3 Notwithstanding the details on the submitted documents and drawings, no development above damp proof course (DPC) shall take place until full details of all external materials, including windows, doors and rain water goods, and site boundary treatments have 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 a satisfactory external appearance to the approved development in accordance with local plan policy D1.

- 10.4 No development shall commence on the site until cross sections of the site showing existing and proposed ground levels have 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 that the proposed ground levels are acceptable and will not result in any adverse or detrimental impacts upon amenity in accordance with Local Plan policy D1.

- 10.5 Prior to any works commencing on site, an up-dated tree protection plan and details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be installed prior to the commencement of works and retained throughout the implementation of the approved development.

Reason: To ensure trees to be retained as part of the development are satisfactorily protected while works to implement the development are carried out in accordance with Local Plan policy EN1.

- 10.6 Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development / development parcel. The development shall only be implemented in accordance with the approved Phasing Plan. This Phasing Plan shall not be amended without the written consent of the Local Planning Authority.

Reason: To ensure the satisfactory phasing of the development and to ensure that landscaping is delivered in a coordinated and planned way.

- 10.7 The approved landscape scheme (both hard and soft) shall be carried out in a phased approach consistent with the approved phasing of the development, and in any case completed prior to the completion of that phase unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide a reasonable period for the replacement of any planting in accordance with policy EN1.

- 10.8 Details of any floodlighting or other external illumination shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the dwellings approved. The development shall then be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area in accordance with policies EN1 and EN2.

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

- 10.10 No part of the development hereby permitted shall be first occupied until an amended 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 (2024).

- 10.11 No part of the development hereby permitted shall be occupied until such time as the access arrangements and corresponding visibility splays shown on M-EC Consulting Group drawing number 23147_08_020_01 Revision C have been implemented in full. Visibility splays 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 ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and 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 (2024).

- 10.12 No part of the development hereby permitted shall be occupied until such time as the frontage parking, access and footway arrangements along Snow Hill and Stanley Street shown on Assael Architects drawing A3045-100-R13 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 (2024).

- 10.13 The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Assael Architects drawing A3045-100-R13. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 and in accordance with the National Planning Policy Framework (2024).

- 10.14 The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

- 10.15 The new vehicular access (es) 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 (es) on Snow Hill and / or Stanley Street that become 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 (2024).

10.16 Prior to each phase of development approved by this planning permission other than demolition, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10.17 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

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

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10.19 The development shall be carried out in accordance with the submitted *Flood Risk and Drainage Technical Note* (ref 23147-FLD-0101, dated July 2023 and compiled by MEC Ltd) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 600mm above the respective 1% annual exceedance probability (including climate change) flood height. This is detailed within Section 3.2 and Appendix C of the Technical Note.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- Reason:** To reduce the risk of flooding to the proposed development and future occupants.
- 10.20 The design and structure of the development including acoustic mitigation measures specified in "Report Ref: 23147-04-NA-01, dated January 2021" shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB L_{Aeq} 16hrs daytime and of more than 30dB L_{Aeq} 8hrs in bedrooms at night.
- The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details.
- Reason:** To ensure future occupiers of the dwellings are protected from noise in order to comply with policy EN1 of the Melton Local Plan.
- 10.21 Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality*, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
- * The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>
- ** The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003
- Reason:** To ensure that the amenities of occupiers of other premises in the vicinity are protected.
- 10.22 With the exception of demolition, no development shall commence on-site until a contaminated land investigation across the whole site has been undertaken with resultant report, to include mitigation and remediation, 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 the assessment of the full extent of the site and appropriate remediation is undertaken in accordance with policy EN1.

10.23 No development shall take place until a Method Statement for bat mitigation has been submitted to and approved in writing by the local planning authority. All works are to proceed strictly in accordance with the approved Method Statement unless otherwise agreed in writing with the LPA.

Reason: To ensure the satisfactory protection and mitigation of a protected species in accordance with policy EN2.

10.24 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 LPA. 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
- 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 LPA.

Reason: To ensure the satisfactory protection and management of protected species.

10.25 No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- A. description and evaluation of the features to be created/manage;
- B. aims and objectives of management
- C. appropriate management options for achieving aims and objectives
- D. prescriptions for management actions
- E. work schedule
- F. species/seed mixes to be planted/sown
- G. ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory management of the landscape and ecology in accordance with Local Plan policies EN1 and EN2.

10.26 No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to):

- A) the incorporation of integrated swift and bat boxes within the new buildings,
- B) the installation of reptile hibernacula on the eastern end of the railway embankment
- C) the installation of invertebrate hotels and bird and bat boxes within the eastern end of the railway embankment.

Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure the enhancement of biodiversity habitat in association with the development.

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

10.28 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

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

10.29 No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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

10.30 No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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

10.31 **Informatives;**

10.32 Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building demolition should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.

10.33 This development will require a European Protected Species licence for bats to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.

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

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period. Submitted calculations should also provide evidence that long term storage is functioning correctly and holding the correct level of volume back at no greater than 2 l/s/ha in the 1 in 100 year 60 minute (winter) event in line with CIRIA C753 section 24.10.

10.35 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.

10.36 Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.

10.37 **Environmental permit - advice to applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

-on or within 8 metres of a main river (16 metres if tidal)

-on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

-on or within 16 metres of a sea defence

-involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

-in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

10.38 All door and window sets will be to PAS24 (2022) which is now included in building regulations. There are other considerations such as BS 6375 Security Locking and Fire Security and BS EN 50486 in relation to Audio and Video door entry systems. Consideration should be made to identify the most appropriate option for this site. Dwellings are recommended to have an Alarm System to BS7958, but there are other options on the Secured by Design portal which include BS6799 in relation to wire free alarm systems. Also BS EN 50131 and PD 6662 in relation to wired systems.

Street lighting columns to BS 5489 are recommended.

Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.

Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.

Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.

Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.

Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.

Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.

Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.

Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.

An electrical spur is recommended under a section 38 agreement at each vehicular entry point leading into the development.

Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.

Consideration of Safe Routes through open space and walkways should account for the use of women and girls.

11 Financial Implications

11.1 None

Financial Implications reviewed by: N/A

12 Legal and Governance Implications

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

Legal Implications reviewed by: Deputy Monitoring Officer

13 Background Papers

13.1 None

14 Appendices

14.1 None