

MELTON LOCAL PLAN

SCHEDULE OF MAIN MODIFICATIONS (21 JUNE 2018)

REPRESENTATIONS ON BEHALF OF DAVIDSONS DEVELOPMENTS LTD

1. These representations have been prepared by Marrons Planning on behalf of Davidsons Developments Ltd (“Davidsons”), in respect of their land interest at Hilltop Farm, Nottingham Road, Melton Mowbray, which benefits from outline planning consent for 75 dwellings.
2. Davidsons support the modification at MM3 which increases the capacity of MEL3 from 45 to 75 dwellings (Policy C1 (A) Housing Allocations, page 11) as this reflects the following three outline planning permissions (totalling up to 75 dwellings) which are consented and can be implemented at the site:

Application Reference	Description of development	Decision date
17/00281/OUT	Outline application for up to 30 dwellings (access off St Bartholomew’s Way already approved)	21 November 2017
16/00281/OUT	Outline application for 15 dwellings including access	19 September 2016
15/00593/OUT	Outline application for residential development of 30 dwellings	23 January 2017

3. The above permissions are now acknowledged on page 22 of the Main Modifications Schedule and this is welcomed by Davidsons. However, the Site Allocations Plan for MEL3 at *Appendix 1: Map based Main Modifications to Appendix 1 – Site allocations and policies* is inaccurate as it does not incorporate the full extent of the site areas for 15/00593/OUT, 16/00281/OUT and 17/00281/OUT. The Site Allocation Plan for MEL3 should be extended in accordance with the Site Plan prepared by Davidsons which accompanies these representations. This Plan shows the combined extent of the above permissions, which are required to form the extent of the MEL3 Site Allocation in order to provide 75 dwellings, associated development and open space. Accordingly, the Site Allocation Plan for MEL3 is required to be extended.
4. A new policy requirement is proposed for MEL3 (MM4, page 21) which states that development proposals will be supported providing that: *“no development takes place within 100m of the eastern boundary of the Scheduled Monument, in accordance with planning permission 15/00593/OUT.”*

5. The justification for the MEL3 modification is “*to provide appropriate protection for a nationally designated heritage asset.*” The heritage asset in question is the Scheduled Ancient Monument (SAM) to the west of MEL3, which comprises the medieval earthworks at Sysonby Grange. It is clear that the proposed policy modification is a result of a Statement of Common Ground between Historic England (HE) and Melton Borough Council (MBC) (signed 13 December 2017).
6. Davidsons object to this proposed modification of MEL3 at MM4, as it is contrary to outline planning consent 17/00281/OUT (dated 21 November 2017) which allows for the development of houses et al up to 60 metres from the SAM boundary. As such, the Statement of Common Ground has not taken account of the correct planning approvals on the site, all three of which are extant and capable of being implemented. When read together, these three permissions show the extent of housing and associated development 60m from the SAM. The intervening 60m buffer up to the SAM boundary is to be used for public open space and other such ancillary development.
7. The principle of development and the potential impact of development 60m from the SAM was considered by members of the Council at its Planning Committee on 7 September 2017. In determining application 17/00281/OUT in accordance with the presumption in favour of sustainable development (NPPF paragraph 197 refers) and the ‘less than substantial harm test’ at NPPF paragraph 134 members concluded:

“It is considered that balanced against the positive elements, there is a clear harmful impact upon Sysonby Grange scheduled ancient monument as a result of the proximity of the proposed development. However, this harm is considered to be ‘less than substantial’. In conclusion it is considered that, on the balance of the issues, it is considered that the benefit – principally the contribution to housing supply – outweigh the harm arising from the site as discussed above.” (MBC Planning Committee Minutes, 7 September 2017)
8. The proposed modification makes reference to the 15/00593/OUT permission, but at the time the Statement of Common Ground was agreed (13 December 2017), planning permission for 17/00281/OUT had already been granted (decision notice dated 21 November 2017). Whilst the detailed layout would need to be approved by MBC, there are no specific planning conditions or provisions within the corresponding Section 106 agreements stipulating that no development should take place within 100 metres from the boundary with the SAM. The principle of development taking place within c.60 metres of the SAM has been established by MBC when permission was granted for 17/00281/OUT. Indeed, the application/allocation requires the 60m stand-off to enable the requisite number of dwellings on site as well as the necessary public open space. This 60m buffer from the SAM will be secured by way of open space that serves the new development.
9. In light of the above, the proposed modification to MEL3 should be regarded as unsound. The

NPPF makes clear that Local Plans should set out clear policies on what will or will not be permitted and where, stating that “*only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*” (NPPF paragraph 154 refers). The proposed modification, coming after the principle of development within c.60m of the SAM has already been established, is ineffective and would be confusing to decision makers. As a result, it is not considered to meet the soundness tests at NPPF paragraph 182: it is not justified, not effective and is inconsistent with national policy.

10. In addition to the above, some of the text in the site assessment table for MEL3 (MM4, page 22) should be regarded as unsound. Stating that “*much of the site is not developable due to the presence of a Scheduled Monument*” is misleading in the context of the outline planning permissions which establish that the development of homes and associated development can take place up to 60m from the SAM boundary. The 60m buffer, which will be retained as open space, does not constitute ‘much of the site’ and this statement is not justified, is unsound and should be deleted from the Plan.
11. In addition, there is no evidence of an oil and gas pipeline on or adjacent to the site and the conclusion that such infrastructure crosses the site is similarly unjustified and unsound and should also be deleted from the Plan.
12. Having acquired the site fairly recently, Davidsons has not previously had the opportunity to make representations in respect of MEL3. The requirement for noise impacts from HGV traffic along St Bartholomew’s Way is not considered to be justified. No noise assessment was required to determine the outline applications, and no planning conditions securing mitigation from traffic noise along St Bartholomew’s Way were attached to any of the permissions. The requirement is also contrary to planning officer’s pre-application advice which confirmed that no such assessment would be required to support any future applications at this site.
13. In summary, in order to make the plan sound, the proposed additional policy requirement for MEL3 (“*no development takes place within 100m of the eastern boundary of the Scheduled Monument, in accordance with planning permission 15/00593/OUT*”) should **not** be incorporated into the Plan as proposed.
14. The boundary of MEL3 should also be amended on the Site Allocations Policies Maps to include the parts of the outline application sites which are currently missing (please see accompanying Site Plan).
15. The above changes, amendments and clarifications will enable 75 dwellings and associated open space to be delivered at the site.
16. Furthermore, the statements made in relation to the SAM and oil/gas pipelines in the table on page 22 should be deleted, as should the policy requirement for a noise assessment to be

provided as these aspects of the Local Plan are not considered to be justified should be removed to make the Plan sound.