

Agenda

Meeting name	Planning Committee
Date	Thursday, 23 July 2020
Start time	6.00 pm
Venue	By remote video conference
Other information	This meeting is open to the public

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors	M. Glancy (Chair)	P. Posnett MBE (Vice-Chair)
	R. Bindloss	R. Browne
	P. Chandler	P. Faulkner
	L. Higgins	E. Holmes
	R. Smedley	M. Steadman
	P. Wood	

Quorum: 6 Councillors

Meeting enquiries	Democratic Services Team
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 15 July 2020

No.	Item	Page No.
	<p>REMOTE MEETING ARRANGEMENTS</p> <p>Meeting Participants:</p> <p><u>Zoom video conferencing webinar:</u> An invitation will be sent to Members and registered public speakers* for this meeting</p> <p>Public Access:</p> <p><u>You Tube:</u> The meeting will be available to view here</p> <p>*Should you wish to speak on an application, please register by 5 p.m. on Monday 20 July 2020 by email to democracy@melton.gov.uk</p>	
1.	APOLOGIES FOR ABSENCE	
2.	<p>MINUTES</p> <p>(a) To confirm the minutes of the meeting held on 25 June 2020</p> <p>(b) To confirm the minutes of the meeting held on 2 July 2020</p>	1 - 12
3.	<p>DECLARATIONS OF INTEREST</p> <p>Members to declare any interest as appropriate in respect of items to be considered at this meeting.</p>	13 - 14
4.	SCHEDULE OF APPLICATIONS	
4.1	<p>PLANNING APPEAL 19/00741/FUL</p> <p>Field OS 4011, Toft's Hill, Stathern</p>	15 - 54
4.2	<p>APPLICATION 19/00859/OUT</p> <p>Field OS6260, Canal Lane, Hose</p>	55 - 78
5.	<p>URGENT BUSINESS</p> <p>To consider any other items that the Chair considers urgent</p>	

Minutes

Meeting name	Planning Committee
Date	Thursday, 25 June 2020
Start time	6.00 pm
Venue	By remote video conference

Present:

Chair Councillor M. Glancy (Chair)

Councillors

P. Posnett MBE (Vice-Chair)	R. Bindloss
R. Browne	P. Chandler
P. Faulkner	L. Higgins
E. Holmes	R. Smedley
M. Steadman	P. Wood

Officers

- Assistant Director for Planning and Delivery
- Locum Planning Solicitor
- Planning Development Manager
- Democratic Services Manager
- Democratic Services Officer (CR)

Minute No.	Minute
	<p>Chair's Introduction</p> <p>The Chair welcomed everyone to the Planning Committee meeting. She introduced Members and Officers and referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time.</p> <p>The Chair explained that should the remote conferencing connection be lost, there would be an adjournment.</p> <p>She advised that the meeting would be recorded and live-streamed on You Tube.</p>
PL16	<p>Apologies for Absence</p> <p>There were no apologies for absence.</p>
PL17	<p>Minutes</p> <p>The minutes of the meeting held on 28 May 2020 were confirmed and authorised to be signed by the Chair.</p> <p>The minutes of the meeting held on 4 June 2020 were confirmed and authorised to be signed by the Chair.</p>
PL18	<p>Declarations of Interest</p> <p>Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Planning Appeal : Application 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Browne wished to put on record that David Mell, who was listed to speak on this appeal was a work associate. However, there was no close association between himself and Mr. Mell and therefore, no personal interest to declare. Councillor Brown confirmed that he approached the appeal with an open mind and would participate in the debate.</p> <p><u>Planning Appeal : Application 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern</u> Councillor Steadman advised that she would speak on behalf of the residents of Stathern, as Ward Member and would not participate in the debate on this appeal.</p>
PL19	<p>Schedule of Applications</p>
	<p>Councillor Steadman left the meeting</p>

Planning Appeal : Application 19/00741/FUL

Reference:	19/00741/FUL
Location:	Field OS 4011, Tofts Hill, Stathern
Proposal:	Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

The Assistant Director for Strategic Planning and Delivery addressed the Committee, advising that yesterday, the Planning Inspectorate had notified the Council of their intention to consider a recently submitted ground condition survey, in relation to this appeal. Today, it had been confirmed that the Council had until the 23 July to examine the survey and pass comments onto the Planning Inspectorate.

The Assistant Director for Strategic Planning and Delivery advised Members that they had the option to defer the appeal to a future meeting of the Committee, which would enable comprehensive consideration of all the issues in one sitting, rather than dealing with some issues this evening and not being in a position to conclude upon the grounds survey information.

The Chair proposed to defer the appeal, commenting that a deferral was well justified, as the survey needed to be independently reviewed and verified. Councillor Higgins seconded.

It was noted that the Council would commission an independent person to examine the ground survey.

RESOLVED

That planning appeal : application 19/00741/FUL be **DEFERRED** to a future meeting of the Committee to allow the ground survey received from the Planning Inspectorate to be independently examined.

(10 in favour, 1 abstention)

The Chair apologised to the speakers for the deferral and thanked them for attending and that she looked forward to hearing from them when the application returned to the Committee.

Councillor Steadman returned to the meeting

Reference:	20/00421/FUL
Location:	Field OS 8900, Folville Street, Ashby Folville
Proposal:	Use of land for the siting of two Habitat Park Homes to form two single storey semidetached dwellings.

The Planning Development Manager addressed the Committee and provided a updated summary of the application. It was noted that permission had previously been granted in respect of appearance, detailing and choice of materials but a different method of construction was being proposed.

The Planning and Development Manager highlighted that a revised site plan showed an increased parking turning area, which enabled 2 vehicles to reverse out, side by side.

The Planning and Development Manager advised that there were no concerns raised by officers to this proposal and it was recommended for approval subject to the amended plans, which had been received.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Richard Taylor, in favour

In response to a Member question, Mr. Taylor confirmed that the proposed method of construction comprised of a factory built modular timber frame, which would be constructed on site, with builders continuing construction to the plans previously submitted and approved by the Committee.

In response to a Member question, Mr. Taylor confirmed that the dwellings were of similar design to surrounding properties and were in-keeping with the area.

During discussion the following points were noted:

- The importance of the design being in-keeping with the surrounding conservation area and listed buildings was noted. Members agreed that the proposed design was acceptable.
- The site was not too close to a road, which experienced a high level of traffic and it was positive that the parking issue was being addressed through the increased turning area.
- The dwellings would provide additional housing stock within the village.
- It was positive that the proposed dwellings would be built to last 100 years.
- Members were in agreement that they would like to visit the development when construction had been completed.

Councillor Higgins proposed to approve the application. Councillor Browne seconded.

RESOLVED

That application 20/00421/FUL be **APPROVED** subject to the amended plans, which had been received.

(Unanimous)

REASONS

The proposal would be acceptable in principle as the development would result in changes to an already approved and extant planning permission for two dwellings.

The proposal would have the same appearance, siting and design detailing as previously approved and as such would be considered acceptable in terms of the impacts upon the character of the area and heritage assets. Parking and landscaping proposed is the same as previous and is considered acceptable.

PL22

Application 20/00370/FUL

Reference:	20/00370/FUL
Location:	30 Winster Crescent, Melton Mowbray
Proposal:	Proposed first floor extension to dwelling

The Planning Development Manager addressed the Committee, providing a brief summary of the application and advising Members that the applicant was a member of staff. There were no concerns raised by officers to this proposal and it was recommended for approval.

In response to a Member question, the Planning Development Manager confirmed that the application was before Members only because the applicant was a staff member and therefore it was a constitutional requirement to bring the application to the Committee, it would otherwise be dealt with under officer delegated authority.

During discussion the following points were noted:

- The application was a 'standard application and the proposed extension had the same footprint as the existing ground floor.

Councillor Steadman proposed to approve the application. Councillor Faulkner seconded.

RESOLVED

That application 20/00370/FUL be **APPROVED**.

(Unanimous)

REASONS

The proposal, by reason of siting and design, would result in a development that would be sympathetic to the character of the area, thus having no adverse impact on the visual amenity of the site and the street scene given the modest addition and set back from the principle elevation. The minimal width of the proposal, ensures the addition appears subservient to the existing dwelling.

The proposal retains the existing set in from the side boundary (north-west) of the site, allowing for pedestrian access to the rear of the property and providing a visual break between the proposal and the boundary of the site.

The proposed development would not have a detrimental impact on neighbour amenity due to the separation distance and orientation of proposed fenestration and the use of matching materials would ensure the development does not appear out of keeping with the dwelling and respects the wider character of the area. The proposed development would therefore accord to Policy D1 of the Melton Local Plan and the overall aims of the National Planning Policy Framework 2019.

PL23

Urgent Business

There was no urgent business.

The meeting closed at: 6.45 pm

Chair

Minutes

Meeting name	Planning Committee
Date	Thursday, 2 July 2020
Start time	6.00 pm
Venue	By remote video conference

Present:

Chair Councillor M. Glancy (Chair)

Councillors

P. Posnett MBE (Vice-Chair)	R. Bindloss
R. Browne	P. Chandler
P. Faulkner	L. Higgins
E. Holmes	R. Smedley
M. Steadman	P. Wood

Officers

- Assistant Director for Planning and Delivery
- Planning Development Manager
- Locum Planning Solicitor
- Democratic Services Manager
- Democratic Services Officer (SE)

Minute No.	Minute						
	<p>Chair's Introduction The Chair welcomed everyone to the Planning Committee meeting. She introduced Members and Officers as well as referred to the public speakers who would be speaking on individual applications.</p> <p>It was confirmed that all Members present could hear and see the proceedings and Members could also see the Chair and each other. The Chair explained that Members would use the functionality of the software to raise their hands to speak and each Member would be asked in turn for their vote at the appropriate time.</p> <p>The Chair explained that should the remote conferencing connection be lost there would be an adjournment. She advised that the meeting would be recorded and live-streamed on You Tube.</p>						
PL24	<p>Apologies for Absence There were no apologies for absence.</p>						
PL25	<p>Declarations of Interest Councillor Posnett declared a personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor.</p> <p><u>Minute PL27 - Application 20/00391/FUL - 3 Main Street, Grimston</u> Councillor Posnett added that she had received a complaint of being predetermined as she had indicated support for a tweet which demonstrated that the community were supporting the pub which she felt was positive. She confirmed that she came to the meeting with an open mind on the application.</p> <p>Councillor Holmes said that although she had previously lived in Grimston, she had no interest in the application.</p> <p>Councillor Browne confirmed that he would be representing his ward on this application by making a representation to the Committee. He would therefore leave the meeting during debate and voting on this item in accordance with the Council's Procedure Rules.</p>						
PL26	<p>Schedule of Applications The Chair advised that application 20/00096/FUL had been withdrawn.</p>						
PL27	<p>Application 20/00391/FUL</p> <table border="1" data-bbox="288 1688 1433 1899"> <tr> <td>Reference:</td> <td>20/00391/FUL</td> </tr> <tr> <td>Location:</td> <td>3 Main Street Grimston Melton Mowbray LE14 3BZ</td> </tr> <tr> <td>Proposal:</td> <td>Change of use: Part conversion of public house to 2 bedroom flat. Alterations to first floor flat access. Conversion of outbuilding to 2 bedroom dwelling. Retain part public house.</td> </tr> </table> <p>(Councillor Browne declared his intention speak as Ward Councillor on this application and therefore here left the Committee and moved into the public speaking gallery.)</p>	Reference:	20/00391/FUL	Location:	3 Main Street Grimston Melton Mowbray LE14 3BZ	Proposal:	Change of use: Part conversion of public house to 2 bedroom flat. Alterations to first floor flat access. Conversion of outbuilding to 2 bedroom dwelling. Retain part public house.
Reference:	20/00391/FUL						
Location:	3 Main Street Grimston Melton Mowbray LE14 3BZ						
Proposal:	Change of use: Part conversion of public house to 2 bedroom flat. Alterations to first floor flat access. Conversion of outbuilding to 2 bedroom dwelling. Retain part public house.						

The Planning Development Manager addressed the Committee and provided a summary of the application.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Councillor Henrietta Maddocks-Wright, Chair, Grimston, Saxelbye & Shoby Parish Council

In response to a Member question on the number of bed and breakfast premises in the area, Councillor Maddocks-Wright responded that there was one other in Grimston and a couple in the surrounding area.

- Mike Petty, Objector
- Haydn Wakefield, on behalf of the Applicant

In response to a Member question, Mr Wakefield responded that the applicants had seen the accounts 3 years ago before purchasing the property and the pub was profitable at that time. With regard to the Council's coronavirus support grant, it was noted that as the pub was not trading on 11 March 2020 it was not eligible for a grant. It was pointed out that the proposal was not for a micro-pub but had allocated a smaller space for the public house function.

- Councillor Ronan Browne, Ward Councillor spoke on the application

Following mention of the community's interest in retaining the pub possibly as an asset of community value, it was asked how the community was going to raise the capital to finance the proposal. Councillor Browne responded that there was interest in buying the pub at the market value and options were under discussion with the Parish Council and other interested parties. He added that the community needed at least 6 months to consider all the options to retain the facility.

The Solicitor advised that the question of the pub becoming an asset of community value was not given as a planning reason for refusal.

The Planning Development Manager confirmed that the application was not for a micro-pub as this was a different type of business, the proposal was to retain part of the building as a public house.

During discussion the following points were noted:

- Reference was made to the coronavirus support grant which was only available for businesses that were trading on 11 March 2020 and as this business was not trading at that time, the applicant was not eligible for the grant;
- The issue of whether there was a proposal for the pub to become an asset of community value was not a planning consideration nor a reason for the recommendation for refusal in the report;
- Grimston was a conservation area and an unsustainable village and there was no proven need for more housing;
- It was mentioned that the previous pub business had thrived on its food offering and the reduced pub floorspace proposed would restrict capacity for this type of trade in the future;

- There was concern at the deterioration of the property and a previously successful business. It was said that the property/business was only worth the market value or what a buyer was willing to pay for it;
- The pub was previously well known as a great asset to the village and local area and its closure was regrettable;
- The proposal was contrary to policy C7 due to Grimston being an unsustainable village due to a lack of facilities and no public transport;
- There was a borough-wide need for 2/3 bed houses but not in this village and pubs were not included in the recent Government statement regarding proposals to introduce new regulations to make changing commercial properties to residential use easier;
- The proposal was also in conflict with policy SS3 and its closure would result in a loss of community life, employment as well as bed and breakfast facilities in the area.

Councillor Posnett proposed to refuse the application and Councillor Faulkner seconded.

RESOLVED

That application 20/00391/FUL be **REFUSED** for the reasons set out below.

(Unanimous)

REASONS

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of additional dwellings in an unsustainable location. The development occupies a location where there are limited local amenities, facilities and jobs, and where future occupiers are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need (and subject to other criteria).

The proposed development would result in the loss of a valuable community facility, to the detriment of the life of the community, contrary to Policy C7 of the Melton Local Plan and Paragraphs 83 and 92 of the National Planning Policy Framework. Insufficient justification has been supplied that shows compliance with these policies with limited other facilities in the village. It is not considered that sufficient detail has been submitted to demonstrate that the Public House can no longer be utilised as such.

(Councillor Browne here re-joined the Committee.)

PL28

Application 19/01386/FULHH

Reference:	19/01386/FULHH
Location:	The Elms, 11 King Street, Scalford LE14 4DW
Proposal:	Construction of a two storey extension.

The Planning Development Manager addressed the Committee and provided a summary of the application. It was mentioned that revised plans which reduced the overall height of the extension had been received but these were not significant enough to change the recommendation.

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Zoe Sibree, Applicant

In response to a Member question, the applicant responded that the brick barn would eventually be converted into a TV room.

The Planning Development Manager explained that the offer to reduce the height of the extension was not relevant to the reasons for refusal as this alone did not reduce the size of the extension which had the effect of making the host house subservient to the extension. It was noted that the existing building should remain the prominent feature on the site and the materials proposed were sympathetic and in-keeping with the host property.

During discussion the following points were noted:

- There was a view that did not agree with the recommendation and felt that the applicant should be encouraged to refurbish the farmstead as there were not many left with surrounding land. It was felt to be a well known property and its renovation and investment should be supported as to not do so could put the property into a state of disrepair;
- The Solicitor advised that the reasons given for the recommendation for refusal in the report in terms of adverse impact were subjective, however robust planning reasons would be required in order to overturn the officer's recommendation;
- There was clarification that it was felt the harm and scale of the extension was not detrimental to the site as indicated in the officer's report;
- There was concern at supporting permission as the Conservation Officer had objected to the proposal and it was against local plan policies;
- There was a suggestion for deferral which could offer an opportunity for further discussions with officers to come to a compromise within the agreed policies;
- It was felt that consistency to make decisions in line with policies was important but further dialogue could bring a compromise proposal;
- Some Members felt that as the extension could not be seen from the village or neighbouring roads and therefore could not be considered harmful as overbearing then the proposal was acceptable;
- It was mentioned that the applicant did not intend to build on the large green area to front of the site and the renovation would be an asset to the village;
- The Solicitor pointed out that the green space referred to was not part of the application and was therefore not relevant to the proposal;
- It was advised that conditions could be imposed should the application be approved.

Councillor Chandler proposed to permit the application as it was considered that the harm and scale of the extension was not detrimental to the site as indicated in the officer's report. Councillor Bindloss seconded.

RESOLVED that contrary to the officer's recommendation,

Application 19/01386/FULHH be **APPROVED** subject to standard conditions imposing the statutory time limit and specification of plans, and that the use of materials as included in the submitted plans.

	(6 in favour, 5 against)
PL29	Application 20/00096/FUL This application had been withdrawn.
PL30	Urgent Business The Chair advised that the following additional Planning Committee meeting dates had been circulated and these meetings would only go ahead if there was a business need to do so : <ul style="list-style-type: none">• Thursday 6 August 2020• Thursday 3 September 2020• Thursday 1 October 2020

The meeting closed at: 7.44 pm

Chair

Advice on Members' Interests

COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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Planning Committee

23 July 2020

Report of: Assistant Director for Planning and Delivery

Planning Appeal: 19/00741/FUL - Field OS 4011, Tofts Hill, Stathern

Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

Applicant: Mr Chris Newington, Redmile Toftshill Ltd.

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Long Clawson and Stathern: Councillor Evans and Councillor Steadman
Date of consultation with Ward Member(s):	23 July 2019
Exempt Information:	None

1 Summary

- 1.1 **The application was originally due to be reported to 27 February Planning Committee. However additional information was received immediately prior to the meeting and the item was withdrawn from the committee agenda to understand the implications the additional information had for the scheme. The application is now subject of appeal for ‘non determination’ and the purpose of this report is to enable the Committee to determine the position to be adopted at the appeal.**
- 1.2 The original Committee report for 27 February Planning Committee is provided at Appendix A for information. However this committee report was published prior to the additional representation which raised concerns regarding the use of retaining structures and the potential impact of using these features in respect of slippage, hydrology and drainage considerations.
- 1.3 The additional information received is fully detailed here –
 - The local geology is Charmouth Mudstone Formation of Jurassic age comprising mudstone that is prone to landslipping on steep slopes. There is a landslip mapped at the side of the valley about 320m south-east of the site centre on land that is steeper

than the site. However, it illustrates that the geology around here can slip and this should be considered if any modification of the land is undertaken.

- The Charmouth Mudstone in general is an aquitard and water does not infiltrate into it, as a consequence water drainage is generally concentrated at or near the surface as currently recognised by the developer who is proposing a surface Suds and an attenuation pond.
- The site and uphill area include ridges and furrows which are perpendicular to the general slope and which may concentrate surface runoff within the furrows. There may be some underground water flow, but with the local geology being mudstone it is likely to be shallow within any head deposits, or more likely at the surface.
- Intersecting this slope with excavations will most likely encounter surface water runoff and possibly shallow underground water flow. Any significant excavation into the slope may suffer water ingress and given the landslip-prone nature of the bedrock may fail.
- Any excavation and retaining wall construction must consider the local geology and the management of any surface and near subsurface water flow. The geotechnical properties of the bedrock and any other deposits need to be determined by a competent geotechnical engineer.
- Any retaining structures should be designed by a competent geotechnical engineer and special consideration should be given to drainage behind any structures and the management of any overland or subsurface water flow that is intersected by the development. This should be both to ensure the stability of the structures and to manage any diversion of water flow caused by the structures.
- Interruption of the water flow could lead to it springing up elsewhere at the ends of retaining structures, or if they use porous stone gabions the ground beneath them may become impregnated and soft also causing problems and spring lines along them. Water pressure can also cause failure of retaining walls so drainage behind them is essential. This drainage would be in addition to the modelled Suds drainage.

1.4 Following the receipt of the above comments, the application was withdrawn from Planning Committee and further information was requested to demonstrate how the development takes into consideration the above concerns.

1.5 Information was received from the applicant as detailed here, however the comments received from the applicant was considered insufficient to address the concerns raised –

- Well-tested considerations and procedures that the developer will put in place when deciding on a foundation design. Firstly, the ground conditions are assessed and as standard practice, an infiltration test will be instigated and core samples of the ground strata taken. The structural engineer responsible for designing the foundation solution will utilise this information to determine an optimum and safe solution for the development. It has already been concluded that a piled foundation design offers the best and safest solution, which will ensure the stability of the land and the proposed development thereon.
- Once this specialist company have provided a detailed piling design solution (based upon the infiltration testing), the drainage for individual plots will be finalised and the capacity of the attenuation basin re-calculated.
- Section 4 of the submitted Drainage Strategy identified the Site's bedrock geology to consist of Charmouth Mudstone Formation and therefore the comments received do

not provide new information or present fresh concerns in respect of surface water drainage.

- The surface water drainage solution submitted as part of this Application, fully accounted for the Site's geology and the calculations undertaken in respect of surface water run-off rates and how this should be attenuated and controlled have been fully endorsed by the LLFA.
- The information provided to date provides robust evidence that this development can be delivered with a successful surface water drainage strategy which has fully taken into account the ground conditions of the area.

- 1.6 Following these comments from the applicant, the Local Planning Authority requested further detailed investigations, including potentially site specific investigations into the matters raised. However, no further comments or information were provided by the applicant and the application was subsequently not reported back to a later Planning Committee.
- 1.7 An appeal against non-determination was then lodged by the applicant.
- 1.8 The Planning Inspectorate confirmed on 28th May 2020 that the application would be heard by the 'written representations' procedure and that the Council's Statement of Case is required by 27th July 2020.
- 1.9 The appellants have submitted an additional Ground Conditions and Drainage Report to the Planning Inspectorate for consideration as part of the appeal. This additional document has been accepted by the Planning Inspectorate as part of the appellant's submission.
- 1.10 This report has been sent to an external specialist company for review of the contents and whether this document would be satisfactory to demonstrate that the issues relating to the use of retaining walls in respect of slippage, hydrology and drainage have been addressed. The outcome of the independent review are as follows:
- The applicants report suggests that groundwater is present within the near surface superficial materials, probably as locally perched water within more granular layers/pockets or preformed slip planes, although such horizons are not described
 - Further investigation is recommended to confirm the level of the mudstone beneath this wall to establish the most appropriate foundation depth and design. Drainage should be provided within the design of the retaining walls to accommodate the groundwater encountered and these should be formulated by a suitably qualified consultant/drainage engineer.
 - Recommendations are also provided for the general design requirements for foundations taking into account the prevailing ground conditions and the potential influence of trees and hedgerows. Such considerations will apply to both plot and retaining wall foundations.

Recommendations

- It is considered that the stability of the site is open to interpretation and possibly misinterpreted within the applicant's report. This is critical to the assessment of the slope instability risk due to the inherent nature of the geology and presence of 'slip' surfaces'. These slip surfaces may still represent zones of weakness enabling downslope movement with the risk exacerbated by the presence of groundwater.

- the design of the retaining walls will require the determination of effective stress parameters which will also dictate overall stability of both slopes and structures. Furthermore, the removal of material from the slope and the construction of retaining walls may create a critical slip plane for mass rotation failure through the toe of the retaining wall foundation. It is recommended that consideration is given in the design of retaining walls to the potential for both localised movement of shallow soils and more deep-seated large-scale rotational failure. **It is considered that, although a retaining wall solution is likely to be appropriate for the site, the existing available information is not adequate to enable full design and consideration of potential slope instability.**
- Further investigations are required in the form of boreholes and the assessment of water levels, and trial pitting to assess the thickness of surface soils and the strata beneath. A full and detailed numerical slope stability analysis should be completed to establish factors of safety following construction and to enable appropriate design of the retaining walls and associated foundations. This should be focussed within the steeper slope sections in the south-east of the site where the change in level is greatest.
- Groundwater conditions are not unusual and can be readily accommodated by the incorporation of appropriate drainage design within the proposed retaining walls, feeding into the overall drainage strategy for the site.
- Consideration will also need to be given to the potential impact of slope and retaining wall movement on the design of piles for the proposed development. The proposed further boreholes can be used to provide pile design parameters through appropriate laboratory strength testing, if required.

1.11 The application is therefore now presented to Members for a decision as to the position the Council wishes to adopt in the appeal process, both on this subject but also all others. On the basis of the independent review of the ground conditions report it is considered that the issues raised are not fully addressed, i.e the reference for further investigations to establish if the approach is practicable and the implications of doing so. It is therefore considered this remains outstanding in this appeal and should form the basis of the Council's representation.

1.12 For information, all of the consultation replies and representations received have been copied to the Inspectorate in order that they can be taken into account, along with the application in its amended form etc.

2	Recommendation(s)
2.1	It is recommended that The Committee instructs that the appeal is opposed on the basis that there remains insufficient information to enable a conclusion to be drawn on the issues of land stability, hydrology and as a result the adequacy of the proposed drainage system.

2.2 Appendix A below is the Committee report from 27th February 2020 and is included to provide information on the other issues and representations raised in respect of this application additional to that described above. The Committee is invited to consider the content of this Appendix in order to determine whether the issues addressed should form further reason(s) to oppose the appeal.

3 Reason for Recommendations

3.1 These issues were the reason for deferral in February 2020 and are considered to remain unresolved. In respect of other issues the officer recommendation was for approval but the

Committee is at liberty to decide which of them it may consider also represent 'grounds of opposition' (equivalent to 'reasons for refusal' in the context of an undetermined planning application).

- 3.2 The Committee is reminded that the appeal process is a statutory decision making process and the 'disciplines' of decision making are equally applicable. All reason(s) forwarded must therefore be soundly based on planning grounds and supported by evidence, in exactly the way that reasons for refusal are configured when the Council is making the determination.

4 Financial Implications

- 4.1 The cost of participation in the appeal will be accommodated from existing budgets.
- 4.2 The Committee is reminded of the costs regime integral to the appeal process which applies if a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
- 4.3 NPPG provides examples of behaviour that may lead to adverse awards of costs as follows. The Committee will note that it includes:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- failure to produce evidence to substantiate each reason for refusal on appeal
- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- refusing planning permission on a planning ground capable of being dealt with by conditions risks

(full guidance at : <https://www.gov.uk/guidance/appeals#Local-planning-authorities>)

Financial Implications reviewed by: N/A

5 Legal and Governance Implications

- 5.1 The application is required to be presented to the Committee due to the submission of an appeal against non-determination and that the application has previously been on an agenda for Planning Committee. The applicable report is appended in full.

Legal Implications reviewed by: Legal Advisor (Planning)

6 Appendices

A: Previous Committee report from 27 February 2020 Planning Committee.

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Planning Committee 27 February 2020

Report of: Assistant Director of Strategic
Planning and Delivery

19/00741/FUL - Field OS 4011, Tofts Hill, Stathern

Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

Applicant: Mr Chris Newington, Redmile Toftshill Ltd.

1. Summary:



The application site is approximately 0.83 hectares comprising of 2 existing semi-detached dwellings, an agricultural barn and an area of agricultural grassland on the northern side of Tofts Hill in Stathern. The land is surrounded by residential dwellings to the northwest and southwest, an agricultural barn to the southeast and open fields

to the northeast. Both the existing dwellings and the agricultural barn within the site are of a poor quality and are proposed to be demolished.

The site is on the edge of the village of Stathern with the land rising from west to east. Hedgerows border the site on a number of the boundaries and access is provided by an existing access point from The Green and a revised access point on Tofts Hill (see above).

A small section of the site to the southwest falls within the Conservation Area of Stathern and this includes the redundant agricultural barn which is proposed to be demolished.

Issues are raised by the application regarding the housing mix, level of affordable housing provision, potential overlooking concerns, lack of ecological buffer to the adjacent hedgerows and boundary treatments within the site, have resulted in a number of revised plans being submitted. .

As such, the proposal now comprises:

Demolition of 2 existing dwellings and a barn, and their replacement with 9 new dwellings and associated private access driveways

The housing mix would comprise of the following –

plot:	beds:	type:
1	3B	bungalow
2	2B	bungalow
3	2B	bungalow
4	2B	bungalow
5	3B	bungalow
6	4B	house
7	5B	house
8	3B	bungalow
9	3B	bungalow

The application has also prompted the submission of a number of additional statements, surveys and reports including a Landscape and Visual Appraisal.

2: Recommendations:

It is recommended the application is APPROVED, subject to:

- Conditions as set out in Appendix B

3: Reasons for Recommendation:

1. The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
2. The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

4: Key Factors:

Reason for Committee Determination

This application is being considered by the Committee due to receiving more than 10 letters of objection which are contrary to the recommendation.

Relevant Policy Context

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Adopted Melton Local Plan (MLP) 2011-2036

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

- **No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.**

Please see Appendix D for a list of all applicable policies

Section 66 of the **Planning (Listed Buildings and Conservation Areas) Act 1990** places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

There is no 'made' **Neighbourhood Plan** which covers the application site.

Relevant History

There is no relevant history on the application site.

Adjoining Site to the south east (Field OS 5000 And 5812, Tofts Hill, Stathern)

16/00223/FUL - Demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings – Refused 27.07.2016 – Appeal Dismissed 07.03.2017.

The Appeal was dismissed on the basis that *the development would be in stark contrast with the more compact form of housing in the adjacent built-up part of Stathern, not appear visually as part of the built-up settlement and detract from the established character of this village.*

Due to the proximity to the application site, the aforementioned application and appeal is considered to be of some relevance to the application. However the decision was issued prior to the adoption of the Melton Local Plan and the consideration of the appeal had different factors and planning considerations. The above appeal site is located further up Tofts Hill and is isolated and separate from the existing residential properties on the north eastern side of Tofts Hill (as identified in the Inspectors decision). This application before Committee (reference 19/00741/FUL) is considered to be different in the respect that it immediately adjoins the existing settlement and the existing residential properties on Tofts Hill and The Green and the decision making 'regime' is now different given the adoption of the Local Plan. Notwithstanding the above comments, each application is considered on their own merits, which are discussed in the following sections of this report.

Main Issues

The key issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area, existing landscape and surrounding countryside
- Impact upon heritage assets (Listed Buildings and Conservation Area)
- Impact upon residential amenities of neighbouring properties
- Impact upon highway safety and parking
- Impact upon ecology

- Impact upon archaeology
- Flooding and drainage
- Contamination
- Climate change consideration
- Contribution requests
- Other issues

5: Report Detail:

5.1 Principle of development

The site lies on the edge of the village of Stathern, bordered by residential dwellings on two sides, a redundant agricultural barn on one side (south) and open countryside to the other (east).

Stathern is defined as a Service Centre within the Melton Local Plan.

The site is adjacent to the settlement of Stathern where Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable 'credentials'.

Policy SS2 provides support to sustainable development within Service Centres and Rural Hubs: i.e. that housing needs will be met by '*planning positively for the development of sites allocated **within and adjoining** the Service Centres and Rural Hubs by 2036, **and** by encouraging small scale residential development where it would represent sustainable development under Policy SS1 above **or** would enhance the sustainability of the community in accordance with Policy SS3*'.

Policy SS2 is therefore applicable for small scale development in Service Centres and Rural Hubs and Policy SS3 provides a further opportunity for small scale development in Service Centres and Rural Hubs, as well as being applicable to Rural Settlements. Policy SS3 is therefore not considered to be applicable to this application.

The supporting text in the Local Plan states that for windfall sites, schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements.

Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

The NPPF does not seek to place an arbitrary limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as '*Sites not specifically identified in the development plan*'.

This development would result in the erection of 9 dwellings (a net increase of 7) and is sited on the edge of (adjacent to) a Service Centre. It is for these reasons that the proposal is considered to fall under the provisions of small scale development under the provisions of Policies SS1 and SS2 of the Melton Local Plan.

Comments have been received regarding the development being outside of the village envelope; previous consultations indicated that the application site was not suitable for development; the site has not been allocated for housing; and the housing figures for the plan period are already met. However there is no village envelope within the Melton Local Plan and no Neighbourhood Plan has been advanced to create one. In addition, and as stated above, Policy SS2 sets out the development strategy for the Borough and states that Service Centres will accommodate 35% of the housing requirement by allocated residential sites **and** by encouraging small scale development. The most recent calculations are that within the Local Plan period 20 houses have been constructed in Stathern to date (2011 – present), against a plan period requirement of 91, with permission granted for a further 22.

Comments have been received that recent developments in the village remain unsold, thus indicating that no further development is needed. This is not a material consideration in the determination of this application, given that Policy SS2 allows for small scale development and sets no upper limit.

‘Proportionality’ has also been raised, referencing that the Local Plan sets proportionate targets for each settlement and that their relativity to one another is therefore important. The requirement of 91 referred to above for Stathern represents 5% of the overall requirement of the rural area. The houses constructed within the plan period so far (2011- March 2019) are approx. 4% of the houses completed in the overall rural area (total 490). It is intended that the proportions are fulfilled over the complete plan period to 2036, and it is not considered that this degree of deviation shows either that development in Stathern is disproportionately high or that the overall spatial strategy is undermined in this regard.

Housing Mix and Affordable Housing (Policies C2 and C4)

The scheme provides a mix of dwellings as required by Policy C2 of the Local Plan (though C2 is not strictly applicable due to the scale of the development under 10) and accords with the content of the Policy stating “Residential developments which include bungalows will be particularly supported”, with 7 of the 9 houses proposed being bungalows.

Comments have been received regarding the existing services being unable to cope with the additional dwellings. As this application is for less than 10 dwellings, no financial contributions through a Section 106 Agreement are required by LCC under their Planning Obligations Policy July 2019 (please see additional detail in para 5.11 below).

As the development is less than 11 dwelling and does not exceed 1000 square metres in floor space, it would not meet the threshold for affordable housing or provision of starter homes under national guidance.

As such, the principle of development is considered to be acceptable subject to satisfying all other material planning considerations; which are assessed below

against the other relevant policies of the Melton Local Plan.

5.2 Impact upon the character of the area (Policy EN6 – Settlement Character), adjacent conservation area and listed buildings (Policy EN13), existing landscape and surrounding countryside (Policy EN1).

The land currently comprises two semi detached dwellings, a redundant agricultural barn and agricultural land. The application site is neither public open space nor is it identified as an important green space and the agricultural land is not of high quality status and therefore a priority for retention. Indeed the land has no designation registering a specific importance.

Given the siting of the land behind existing residential properties on The Green and Tofts Hill, and its overgrown nature, it is not considered that the land is readily visible from within most parts of the village or makes an important contribution to its character in terms of historic built form, key characteristics or as an entrance feature.

The pattern of development in the area currently extends along Toft's Hill further south than the application site until it 'gives way' to open countryside. The site occupies a break in development forming the frontage of Toft's Hill of approx. 25m.

Naturally, the development of this land would alter its character. Currently the site does not present a remarkable or particularly sensitive character to the village approach, especially when viewed from footpath G20 to the east.

The proposed buildings would be set back from Tofts Hill and partially obscured from view by the existing properties and the existing agricultural barn fronting Toft's Hill. It is considered that a well designed development of nine dwellings would not result in harm to the character of the village, loss of any key feature adversely affect 'gateway' views or long distance views.

Views of the development of the site from further afield are currently very limited due to the raised ground and vegetation cover associated with the woodland. Glimpses of the development site may be had from further afield to the north and east; however the proposal would be viewed against the backdrop of the village itself, existing two storey dwellings and would not be considered to be unduly prominent in the context of the surrounding built form.

The Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, Final Report, (September 2015) states that the application site sits within LCZ2: Stathern North.

The report assesses landscape sensitivity over number of criteria, and arrives at the following judgement with regards to overall landscape sensitivity for the LCZ:

“Overall landscape sensitivity of this LCZ fringe to residential development is medium to low, due to the generally expansive nature of the landscape with few vulnerable features and a poorly integrated settlement edge, although areas of original vernacular settlement edge would be more sensitive by virtue of their intactness. The field pattern to the east of Blacksmith End is more intact along the road edge, with a medium scale in comparison to the large-scale landscape to the west. Rising topography to the east, combined with woodland plantation provides

containment of the settlement, with undeveloped skyline. Views to the west are expansive, with occasional landmark features such as church spires glimpsed breaking the skyline. This LCZ has a relatively low level of tranquillity and eroded landscape pattern which is influenced by the built edge."

The following strategic landscape principles are provided in relation to potential development within this area:

- *"There is opportunity to accommodate some sensitively designed development in proximity to the existing settlement edge (avoiding vernacular edges to the north) and considering landscape boundaries such as hedgerows, which would contribute to the softening of the settlement edge;*
- *Development should be of an appropriate scale and should contribute to a well-integrated and landscape sensitive settlement edge that is contained by existing landscape features that buffer the existing settlement extents;*
- *Any development should achieve a gradation of density to the outer edges and aim to create a positive gateway to the settlement and a more porous (rather than blanket screened) landscape edge. This should be tied in with reduced building storey/height/low rooflines to reduce perception of built mass, and a simple, muted materials palette including timber, painted render and local brick/stone;*
- *Lit development edges should be avoided to assist with conservation of dark night skies/avoidance of sky glow and perception of urbanising influences;*
- *Green space should be incorporated within any proposals and link with existing paths and spaces that are important throughout the village."*

The application site is located adjacent to the existing settlement edge and would retain and enhance existing boundary hedgerows and vegetation, particularly to the north and east where new and existing planting would soften the appearance of built form along the developed edge. Development is orientated with internal roads and parking located away from the edges of the application site so as to reduce the potential for lit development edges, retaining the rural edge location.

As discussed in further detail below, the development is considered to be of an appropriate scale and density to create a more 'porous' landscape edge and is considered to be well-integrated into the existing built form, and is of low density with reduced roof heights along its edge, as suggested in the Study. To ensure that development respects this landscape setting, a condition can be applied to any permission granted removing permitted development rights for roof extensions / alterations to the two houses (plots 6 and 7) which would be located in the north eastern corner.

The applicant has carried out a landscape visual appraisal based on the original submission of 12 dwellings. The conclusions from the applicant's appraisal upon the LCZ2: Stathern North are that *'Adverse effects on completion will be Moderate on the landscape of the site and its immediate environs. Effects are likely to reduce over time as proposed hedgerow and tree planting to site boundaries, along the proposed access road and to Plots matures.'*

Overall it is considered that the development proposals would integrate the new housing within the landscape framework at this edge of the settlement site.

As such, the development of this land for residential dwellings would not be

considered to the detriment of the character of the settlement under the provisions of Policy EN6 of the Melton Local Plan and there are no 'in principle' issues resulting from its loss as agricultural land.

Comments have been received during the public consultation period referring to Appendix 1 of Melton Local Plan which states the following constraints in Stathern

—

The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development. Therefore sites on lower lying land are considered most appropriate for allocation.

The application site lies on the eastern side of the village and as such, on the side of the village which does indeed lie at the very foot, of part of the aforementioned escarpment. The site is on relatively low lying land for the majority, on a lower part of the slope and is projecting no further up the slope than the existing properties to the south. 2 of the houses proposed would be further up the slope than the existing properties on the same side of Toft's Hill but would project no further up Tofts Hill than the existing agricultural barn adjoining the site. Existing development on the opposite side of Toft's Hill extends further up the slope before giving way to the cemetery. As such it would not represent a continuation of the pattern of development warned against.

The proposal has also taken into consideration the rise in levels within the site, by proposing to reduce levels and the development would be dug down into the ground in the north eastern corner. This would ensure plots 5 and 6 are set as low possible in order to further reduce the potential visual impact of the development when viewed from afar and to ensure these would not appear prominent within the context of the surrounding area. A site section drawing indicating that the development as a whole would be of a similar scale and height to that of the adjacent agricultural barn to the south east and the new development on The Green to the north west. This is proposed to be achieved by a series of retaining walls producing a terraced effect with Plots 5 and 6 sited at a higher level, and allows the development to 'climb' the slope of the site.

In addition, the majority of the properties (7 out of 9) are bungalows and therefore the overall scale of the development is reduced as a result.

The built form of the development would project slightly further north than the development to The Green and similarly only slightly further north than the agricultural barn to the south east. Therefore it could be considered that the development sits within the existing parameters of the village's built form and is largely contained by existing buildings on three sides of the application site.

In terms of the overall development density, although this is relatively low, this is due to a number of reasons - a high number of bungalows have been provided throughout the site (7 plots), parking, retention and buffers to the existing hedgerows, a high level of soft landscaping features throughout, high quality private residential gardens and integration between the site and its rural edge location.

The application site is split in two, with one access serving four properties

from The Green and one access serving 5 properties from Tofts Hill. A pedestrian link is provided between the two to provide a level of connectivity between the two parts of the site.

The surrounding properties are mixed in terms of style, design, scale and layout with a mix of old and new properties in the vicinity. As such, the layout of the development is considered to be acceptable given the surrounding built form.

Plots 1-4, accessed from The Green are sited in a courtyard style development with all properties relating to one another whilst ensuring the development links with the existing built form and the new development on The Green to the north west.

The layout would allow Plots 6, 7 and 9 to back onto the open countryside to the north and thus strong landscaping and open boundary treatments are present here. The proposal would retain the hedgerow on this northern boundary (as well as the one on the western boundary) and would also retain a buffer between the rear gardens and the hedgerows. Boundary treatments on this side of the development facing the countryside would consist of a timber post and rail fence at a height of 1.2 metres, thus ensuring a positive link and 'softer' boundary between the development and the adjacent countryside. Where the retaining wall is provided on the eastern boundary adjacent to the agricultural barns, this could be screened by a hedgerow via the submission of a full landscaping scheme by condition.

Turning to the landscaping of the site as a whole, a strong landscaping scheme has been submitted and further details can be secured by condition in respect of new planting of trees and hedgerows if required. Boundary treatments are 'soft' and open in nature where suitable and provision of 1.8 metre high fencing and retaining walls is limited to where required. Low level brick walls and railings are provided on the borders of the two internal access roads to allow a degree of privacy whilst ensuring a high quality scheme is achieved on this edge of village site.

It is not considered that lighting would be excessive given that the proposal comprises a small residential development of nine dwellings. Lighting would be similar to that of the adjacent and existing residential properties and would not appear unduly out of character with the wider setting.

The design of the housing includes specific detailing such as lintels, curved headers, varying front entrance doors and canopies, mix of size, shapes and style of bungalows, brick banding, dentil course eaves, inclusion of chimneys and varying roofscapes including gables, hips, half hips, use of dormers and dummy/false windows. Overall, due to the varied but high quality design across the development, it is considered that the proposal would result in the introduction of a development that would assimilate into the context of the surrounding area, given the mix of styles and design of properties and absence of uniformity in the immediate vicinity.

The development would consist of a rural red brick, red pantiles roofs, natural stone cills, upvc windows, aluminium covered doors, black rainwater goods, painted timber garage doors and rosemary tiles to the porches. The mix of materials and use of timber and aluminium adds a degree of design quality and breaks up the development as a whole. Materials can be the subject of a condition to ensure that the development is built out in the manner that it has been proposed.

It is concluded that the proposal as revised has been largely designed to fit in to its surrounding context and providing a high level of soft landscaping, breaking up the built form. This revised scheme seeks to respect the visual relationships of its immediate locality.

Overall it is considered that the proposal on the edge of the village would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan

5.3 Impact upon heritage assets

A small section of the site to the south-west falls within the Conservation Area of Stathern and this includes the redundant agricultural barn which is proposed to be demolished.

The agricultural barn located on the boundary with The Green is of no architectural significance, is of poor quality and its removal would have a minor benefit to the conservation area. The existing dwellings on the site, albeit outside of the conservation area are again of little importance, poor quality in architectural terms and of no known historic importance and their removal to allow a development of an improved standard is considered to have a neutral impact upon the setting of the conservation area.

The conservation area appraisal states the following:

“Tofts Hill, climbs steeply out of the village to the east from the junction. There are a scattering of modern buildings at the bottom of the hill before open countryside takes precedent, the exception being Hillcrest with a date stone TH1935. Views from this elevated vantage point over the village roofscape to open countryside beyond are quite stunning.

The Green is another lane typified by a mixture of old and new properties built in various materials. At the top end the nature of the lane changes as it becomes Birds Lane, a narrow twisting lane characterised by terraces of late nineteenth/early twentieth century brick properties with slate roofs.”

With regards to new development within the CA, the appraisal states that:

- *“Any new development...should be constructed in natural materials appropriate to its locations and should have regard to the scale, siting and detailing of existing surrounding development;*
- *Ensure that any highway works respect the Conservation Area;*
- *Existing highway boundary features (walls, fences, hedgerows and railings) should be retained;*
- *Important individual trees, groups of trees and open areas should be retained...”*

As detailed in the previous section, a significant level of consideration has been given to the impact of the development upon the character of the surrounding area and the nature of the site on this rural fringe setting.

With regard to the Conservation Area Appraisal, it is considered that the development would be constructed in appropriate materials and would be appropriately sited and of a scale to reflect the character of the Conservation Area within which part of the site sits. Furthermore, important boundary features and hedgerows are to be retained and new boundary treatments and landscaping proposals are considered to be acceptable.

The nearest listed building is located on Church Lane approximately 60 metres to the south - Grade II listed pair of houses - Bassingdean (Number 3) And Adjoining House To North (Number 1, Church Corner)

Interdivisibility between the application site and the listed building is weak, given the separation distances, drop in land levels and high level of screening and trees. Views of the listed building and the further afield listed Church of St Guthlac would still be available and not adversely impacted from the relevant viewpoints.

Overall it is considered that the development would have a neutral impact upon the conservation area and the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. In addition, minor benefits are had by the removal of the redundant agricultural barn and the existing semi-detached dwellings. The proposal is therefore considered to accord with Policy EV13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.4 Impact upon residential amenities of neighbouring properties

The application proposes the demolition of two semi detached dwellings and a barn and the erection of 9 dwellings, 7 bungalows and 2 two storey houses.

Following comments received during the public consultation period regarding potential overbearing and overlooking impacts, revised plans have been received altering the location of the two storey dwellings and the provision of additional bungalows on the site.

Plot 1, a single storey dwelling would be located adjacent to the side of no. 6 The Green and at the rear boundaries of nos. 3 and 5 Tofts Hill. Due to the separation distances, orientation of plot 1 and that plot 1 would be a single storey property; it is not considered that plot 1 would have a significant adverse impact upon the occupiers of the aforementioned properties in respect of overbearing, loss of light or overlooking. It is also considered that, due to the orientation and location of windows, there would be no adverse overlooking impacts upon the future occupiers of plot 1 as a result from the existing surrounding properties.

Plots 2, 8 and 9, all single storey properties are of sufficient distance away from the adjacent, new development on The Green to the northwest so as to not result in any adverse impact upon overlooking, overbearing or loss of light. The development would be separated by an existing driveway, existing mature trees and hedgerow and the new 5 metre hedgerow buffer so as not to result in any adverse overlooking impacts to the occupiers of the new properties.

Plot 5, also a single storey property is again considered to be of sufficient distance away from both no. 7 Tofts Hill to the west or the properties on the southern side of

Tofts Hill to ensure there would be no adverse loss of light or overbearing impacts. Notwithstanding the rise in land levels from no. 7 Tofts Hill up to plot 5, the two would be separated by the internal access road and views from the private garden of plot 5 would be obscured by a 1.8 metre high brick wall. In addition, the nearest windows on the front elevation of plot 5 serve bathrooms and as such would not allow views from habitable rooms towards the rear garden of plot 3 or no. 7 Tofts Hill.

Plot 3, is a single storey property which would be located in close proximity to the rear elevation of no. 7 Tofts Hill. No. 7 is a dormer bungalow property with the rear elevation facing towards the application site. Plot 3 is proposed to be significantly dug down into the ground from the existing land levels, as indicated on the site section drawings. Within the application site, the boundary with no. 7 rises from approximately 80.86 rising up to 82.8. The finished floor level of plot 3 is proposed at 80.15 metres and would therefore sit at a similar level to that of no. 7, thus not resulting in any significant adverse impact in respect of overbearing or loss of light. A new 1.8 metre boundary fence over a retaining wall is proposed on the boundary with no. 7 to prevent any adverse overlooking impacts. Plot 3 would also have a roof that pitches away from the boundary with no. 7, thus further reducing any overbearing impact.

No. 7 Tofts Hill has two first floor dormer windows on the rear elevation facing towards the rear elevation of plot 3, however there would be sufficient separation distance to ensure there would be no adverse overlooking impact upon the future occupier of plot 3 (approx. 21 metres rear elevation to rear elevation).

Sufficient separation distances are also proposed between all plots so as to protect the residential amenity of the future occupiers of the properties in respect of overlooking impacts. Sufficient private and useable amenity space are available to all plots. To ensure there would be no adverse overlooking impacts between the two storey dwellings on the development (plots 6 and 7), two conditions are recommended which ensures that first floor windows serving bathrooms remain obscure glazed.

It is acknowledged that that the introduction of development on this land would alter the outlook of nos. 3, 5 and 7 Tofts Hill, however as the development proposes to dig the development down, utilise the drop in land levels, provide single storey properties and retain a sufficient separation distance, it is not considered that the development would result in a significant adverse overlooking or overbearing impact to warrant refusal.

To ensure that there would be no adverse impact upon existing neighbouring properties on Tofts Hill, it is considered reasonable and necessary to remove permitted development rights for additions to the roof of a dwellinghouse for the plots which sit adjacent to existing properties on Tofts Hill (plots 1, 3 and 5). This ensures that any roof extension or dormer windows would not result in any adverse overlooking impacts to the detriment of existing residential amenity.

Concerns have been raised regarding noise disturbance during construction. Notwithstanding that this would be short term in nature, a condition can be applied to any permission granted to restrict construction hours to certain days and times to ensure that the immediate neighbours are not unduly impacted during construction by means of noise and disturbance.

Given the orientation of the internal access road and siting and location of parking areas, it is not considered that the development would result in vehicle headlights shining excessively on adjacent properties so as to cause undue harm to residential amenity.

As the development is limited in scale, , and comprises only residential properties, the proposal would not result in any significant adverse impact upon existing properties in respect of light nuisance.

The two bin stores serving the development have been re-sited away from adjacent residential gardens so as not to result in any adverse smells or disturbance upon occupiers of adjacent properties.

Concerns have been raised from the loss of view from adjacent properties and the devaluation of adjacent residential properties, both of which are not material planning considerations.

Overall, it is therefore considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.

5.5 Impact upon highway safety and parking

The application proposes the erection of 9 dwellings, 4 to be served by an access off The Green, and 5 to be served by an access off Tofts Hill. Both Tofts Hill and The Green are both subject to 30mph speed limits.

The existing vehicular access off The Green which currently serves the existing 2 dwellings is to be amended to have a width of 5.5 metres. The access proposed off Tofts Hill shows a width of 5metres. The proposed widths of the two accesses are in accordance with the Leicestershire Highway Design Guide (LHDG).

The proposed access located on The Green shows a maximum visibility splay of 2.4m x 50m is achievable turning left out as a result of the improvements to the proposed access, with a minimum of 33m visibility demonstrated. As outlined in the submitted Accompanying Highway Report, forward visibility of 33m can be achieved to the north west of the access. In line with the speed limit of the road being 30 mph, the required visibility is 43 metres, however due to the topography of the road, the Local Highways Authority (LHA) is satisfied that 2.4m x 33m is appropriate in this instance and the LHA also consider to the forward visibility to be acceptable.

Visibility splays of 2.4m x 60m is demonstrated turning right out of the access off Tofts Hill and 100m turning left. The visibility splay from the Tofts Hill access is therefore considered acceptable and conditions are recommended to ensure that visibility from both access points is achieved and maintained.

Whilst concerns regarding the use of Tofts Hill by pedestrians and horses are acknowledged, sufficient visibility is achieved and it is not considered that vehicles would be travelling in excess speed given the nature of the road. In addition, the LHA have no pre-existing concerns regarding highway safety and raise no concerns regarding the use of Tofts Hill for accessing part of the proposal.

The development has proposed a minimum of 3 car parking spaces for all plots, however the majority have 4 spaces. The two houses with 4 and 5 bedrooms have a minimum of 4 spaces with additional areas for turning. The parking spaces provided, including the single and double garages are considered of acceptable size. As such, parking meets or exceeds standards set out in the LHDG and it is not considered that the development would result in on street parking implications in the vicinity.

A turning head has been provided near to plots 8 and 9 and all vehicles across the development have the ability to enter and exit in forward gears only which is acceptable.

Pedestrian access is available through the site to allow pedestrians to access the village via The Green, thus potentially removing pedestrians from Tofts Hill and improving the situation which has expressed concern in public responses.

An access remains through the site to the adjacent field to the north. It has been confirmed by the applicant that this access is required to allow ongoing management of this adjoining land as a result of the land ownership of the surrounding land. The applicant states that access using a van or ride on mower will be required approximately no more than once a month to ensure adequate land management.

Waste collection areas have been provided adjacent to the adopted highway in a safe and suitable position.

A Construction Traffic Management (CTM) Plan could be required by means of a condition to ensure suitable and safe passage of vehicles along the highway and to ensure there is no mud or excess material on the highway. The application site has been considered acceptable for access by construction vehicles, subject to the submission of a CTM plan and as such it is not considered that construction traffic would impact upon nearby listed buildings or pedestrian or highway safety.

As such, the development is considered to be acceptable in terms of Highway safety concerns.

5.6 Impact upon ecology

The application has been supported by a Bat Survey, Ecological Appraisal Report, Tree Survey and Supplementary Hedgerow Report.

The Bat Survey submitted indicates that the existing bungalow on site has a 'low' potential to support roosting bats. A bat activity survey was completed which recorded no evidence of bats emerging from the building. The surveys have been completed to national standards and as such, no further surveys have therefore been requested nor there an adverse impact upon bats.

The Ecological Appraisal includes a habitat survey completed in January. This is outside of the optimum period for these surveys; however the survey did not record any species of interest indicating that it is of low botanical value. This field was also assessed as comprising Improved grassland with low botanical diversity by LRERC in 2009/11 as part of a parish-wide habitat survey.

LCC Ecology have commented on the submission and have two independent

surveys that indicate that this site is of low botanical value and therefore accept the submitted survey as it is very unlikely that an additional survey at the optimum time of year will result in a different outcome.

The application site falls within a 'Swift Alert Area' as there are recent records for breeding swifts close to the site. Swifts are a local Biodiversity Action Plan (BAP) species. This development provides the opportunity to install some swift nest boxes to provide additional nest sites for this species and to help achieve the aims of the BAP. It is therefore recommended that 3 swift nest boxes are installed on a suitable elevation of at least 5 of the new dwellings in accordance with the Swift Advice Note. A condition is therefore recommended for a plan to be submitted indicating the location of the swift boxes.

The hedgerow along the northern and western boundaries of the site are to be retained and as a result of the revised plans, approximately a 5 metre buffer has been included between the boundaries of the rear gardens and these hedgerows.

Following officer concerns regarding the removal of the hedgerow on the Tofts Hill road frontage, a Supplementary Hedgerow Report has been submitted. The report indicates that the hedge is in a very poor condition and it is likely to be difficult to bring into appropriate management. As such, LCC Ecology raises no objections to its removal and a condition is recommended to ensure suitable replanting.

Comments have been received from the Arboricultural and Forestry officer at LCC who currently does not support the proposal to remove and replace the hedgerow adjacent to Tofts Hill (where the new access is proposed) as a result of the loss of visual amenity and habitat. However, as stated above, a separate supplementary hedgerow report has been undertaken and submitted in support of the proposal. This demonstrates that the hedgerow adjacent to Tofts Hill has been unmanaged for some time and it is now infested and overgrown with brambles, bindweed and ivy. The report goes on to state that this section of hedge is in very poor condition with very few hawthorn stems and it is completely smothered. Furthermore, the hedge doesn't connect with other field boundary hedges so its value as a wildlife corridor is diminished.

In addition, the report states that it would be impractical to restore the existing hedge as it would not be possible to remove all the bramble, bindweed and ivy without destroying what little remains of the hawthorn and the hedge would quickly become overgrown again.

LCC Ecology have reviewed the supplementary hedgerow report and raise no objection to the removal of this hedgerow. A full landscaping plan is to be submitted via condition and as per the request from the Forestry Officer, this can include the submission of a hedgerow management plan.

There is a partial hedgerow on the southeastern boundary between the application site and the adjacent barns. This has been assessed in the submitted Tree Survey in which it is indicated as overgrown, unmanaged and of poor quality, and is classified as Category C2 within the survey. Again, LCC Ecology raises no concerns in relation

to this Tree Survey.

Overall, subject to conditions, the proposal would retain and ensure a buffer to the northern and north western boundary hedgerows and subject to conditions, have no adverse impact upon ecological or biodiversity features.

5.7 Impact upon archaeology

LCC Archaeology initially raised no concerns regarding archaeological matters however, following comments received during the public consultation period, this position was reviewed further.

Concerns have been received regarding the potential for the application site to cover a substantial building (or its remains) inside a very substantial banked enclosure. Similarities have been drawn to the Medieval Manorial Site in Croxton Kerrial.

The archaeological assessment undertaken by Allen Archaeology Ltd. And submitted by the applicant in support of the application suggested that the site lay outside the medieval settlement and the absence of remains of earlier date suggested a low potential.

LCC Archaeology have reviewed the additional information and acknowledge that the quality of the Lidar image submitted during the public consultation is very good and shows the ridge and furrow and linear feature much more clearly than that shown in the archaeological desk based assessment. In the field to the east the linear feature/hollow way/field boundary is somewhat obscured by later ridge and furrow (post late 18th century).

It is for this reason that LCC Archaeology have recommended a pre-commencement condition is added should planning permission be granted. The works should involve an initial phase of trial trenching in accordance with a written scheme of investigation (WSI).

A WSI has been submitted by the applicant which proposes a geophysical survey followed by trial trenching. The extent and location of trenching would be determined following the geophysical survey results but would not consist of less than 3% of the site.

LCC Archaeology has been consulted on the submitted WSI and raises no objection to the WSI in principle, subject to recommending further information to be submitted via condition.

Given the desk based assessment and subsequent WSI submitted by the applicant, it is not considered reasonable to refuse the application as a result of the lack of archaeological work or request that this additional work is carried out prior to determination of the application.

Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon

archaeological matters to warrant refusal.

5.8 Flooding and drainage

The site is located within Flood Zone 1 being at low risk of fluvial flooding.

Following the initial response from the Lead Local Flood Authority (LLFA), the applicant has provided an amended Flood Risk and Drainage Strategy including a surface water drainage strategy with calculations demonstrating proposed attenuation up to the 1 in 100 year return period event.

It is proposed that the surface water system to serve the site would provide sufficient attenuation to ensure that there is no flooding for return periods up to and including the 1 in 100 year plus 40% climate change event. This would ensure that post development, flooding does not occur within the site and will therefore reduce the risk to adjacent properties. It is proposed to attenuate flows within an attenuation basin, located within the adjacent field on the northern boundary of the site, with the outfall being to the STW surface water sewer located in Red Lion Street. Overland flow routes will be carefully considered for blockage and exceedance events to ensure that routing is away from both existing and proposed properties.

Surface water from the site is shown to outfall into a Severn Trent Water sewer at 5l/s and evidence of acceptance has now been provided. Flood modelling indicates overland flow from surcharges from the proposed system do not put properties at risk.

Consequently, the proposals are considered acceptable to the LLFA and no concern is raised regarding matters surrounding drainage, subject to conditions.

Foul drainage is proposed to connect into the public foul water sewer and surface water drainage is proposed to connect into the public surface water sewer, both of which is acceptable to Severn Trent Water subject to a formal sewer connection approval (separate process not included as part of this application).

Whilst evidence of localised flooding nearby is acknowledged there is no reason to suppose that the development would exacerbate this subject to the robust provision of surface water drainage on the site.

As such, no concern is raised regarding drainage impacts resulting from the development and satisfies the requirements of Policies EN11 and EN12 of the Local Plan, and the NPPF in this respect, subject to conditions.

5.9 Contamination

Given the existing use and history of the site, it is recommended that a condition is placed on the permission which ensures that should any contamination be present, then details for their remediation should be submitted to the Council for approval.

5.10 Climate change consideration

Following a request by the officer, a statement has been submitted by the agent on behalf of the applicant in respect of climate change. The full document is available for members to view online however the highlights are bullet pointed below –

- Use of premium materials that are both sustainable and energy efficient.
- External cavity walls built using the latest enhanced-efficiency insulation, with heat-reflecting low-emissive technology.
- Up to 400mm of mineral fibre in the loft so far less heat escapes through the ceiling.
- Use of insulating materials that have a zero Ozone Depletion Potential (ODP) and low or zero Global Warming Potential (GWP).
- Argon-filled double glazed window units to reduce heat loss, and low-emissive coating lets heat from the sun in, whilst minimising heat loss out.
- External doors are insulated to improve soundproofing and reduce heat loss and are airtight to eliminate the risk of draughts.
- Landscaping green spaces in an ecological and nature-friendly way will offer the greatest opportunity for wildlife.
- Reduction, reusing and recycling of waste is prioritised to reduce reliance on landfill and to recycle wherever possible.
- Use of latest, highest efficiency A-rated condensing boilers; low heat-loss hot water cylinders which ensure water stays hotter for longer; and radiators designed to optimise heat output.
- Latest energy and water efficient kitchen appliances that have an A/A+ rating and taps and showers using the latest technology for the most powerful flow whilst minimising water wastage.
- The surface water system to serve the site will provide sufficient attenuation to ensure that there is no flooding for return periods up to and including the 1 in 100 year plus 40% climate change event.
- Additional volumes of surface water runoff generated by the redeveloped site will be managed such that the residual risk to adjacent properties is negligible.

Comments have been received regarding the potential loss of a green field which currently provides a carbon function. However it is considered above by the applicant that the impact of climate change has been carefully considered.

As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN8 of the Melton Local Plan.

5.11 Contribution Requests

Initial Response from LCC Requested Education Contribution of (Secondary School (11-16) Sector Requirement) £29,853.20.

Although no further response has been received in respect of the revised set of plans and subsequent reduction in number of dwellings to 9, from reviewing the Leicestershire County Council Planning Obligations Policy (July 2019), it states that *‘Contributions will normally be sought where the number of new additional dwellings on a development would amount to 10 or more and result in a total contribution that is greater than or equal to £500. Contributions may be sought from smaller sized developments where they form part of an overall development in an area or where sites would have a cumulative impact on services and infrastructure.’* LCC Developer Contributions have responded to the revised scheme for 9 dwellings and confirm that an education contribution will not be requested for this development as the number

of dwellings with two or more bedrooms is below the threshold of ten. In addition, no contribution has been requested for Civic Amenities or Library Services as the existing facilities will not be impacted by the development.

Therefore overall, no contribution request has been sought as the existing provision/facilities is considered to meet the demand resulting from the development.

No contribution request has been sought for these items.

5.12 Other issues

Comments have been received regarding the setting of a precedent, potential for further development / expansion of the application proposal and whether the bungalows and houses could be altered/extended in the future. First and foremost, each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination. Assessment of the current application has been considered above and permitted development rights have been removed where it is considered applicable, necessary and reasonable. Applications for future amendments cannot be ruled out and they would also be considered on their own merits.

5.13 Conclusion

The development is considered to represent sustainable 'windfall' development and is considered acceptable in principle subject to all other material planning considerations. It is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and nearby heritage assets and would not have any adverse impact upon residential amenity, highway safety, ecology, archaeology, drainage, contamination subject to conditions securing further details.

It is considered that the proposal would comply with Policies SS1, SS2, C3, EN1, EN2, EN3, EN6, EN8, EN11, EN12, EN13, IN2 and D1 of the Melton Local Plan and the overall principles of the National Planning Policy Framework.

Consultation & Feedback

Immediately adjoining occupiers were notified and two notices posted at the site and one in the local newspaper. Following the receipt of amended plans and a change to the description of development, a full 21 day reconsultation was carried out including new site notices posted at the site and in the local newspaper.

Approximately 113 comments have been received on the application, with 109 objections to the proposal. A summary of the responses can be found below. The comments raised have been addressed in the report detail section.

Principle/Housing Mix

- Not an allocated site for housing
- Requirement for affordable housing
- Melton Local Plan already allocated more housing than is needed by 2036

- Other housing being built in the village have not been sold yet
- No local need for the development under Policy SS3
- Development is outside of the village envelope
- Field regularly used for grazing of cattle and sheep
- Previous local consultations indicated that the application site was not suitable for development
- Development is not small windfall as greater than 10 houses
- Houses are not affordances or starter homes
- A large number of other windfall development approved in the village

Character/Setting/Location/Views

- Inappropriate development on the foot of the escarpment as detailed in appendix of Melton Local Plan
- Impact upon views towards the village and to the Belvoir Ridge from Stathern Woods
- Encroaches on green belt
- Loss of useful agricultural land
- Result in the loss of green space within Stathern
- Out of character with the village
- Overdevelopment of the site
- Adverse impact, not sympathetic to conservation area
- The site is on / borders LCZ3 and is therefore highly sensitive
- Impact upon a valued landscape of Tofts Hill
- Site layout is dense and no green space is proposed
- Development is not sensitive to landscape
- Development should add to an area's sense of place and local distinctiveness
- Introduced harsh and visually ugly 1.8 metre high brick retaining walls
- Urban design does not harmonise with the rural character of the surrounding area
- Sited on a rural gateway to a settlement
- New dwellings would impact upon views to and from the village and the adjacent Stathern woods
- Bungalows appear to be tall enough to convert to houses and houses are excessively tall
- Development would be at odds with the rural approach to the village
- Inappropriate in landscape and development pattern terms to continue this pattern of development up the hill
- Development should be built on lower lying land
- Light pollution impacts

Highways

- Additional traffic congestion within the narrow roads of the village from this and other proposed and recently completed developments
- Access is highly limited to the site at both access points
- Tofts Hill inadequate width and unsuitable to be widened
- Encroaching onto the bridleway network
- Pedestrian and highway safety, and access problems resulting from construction traffic
- Tofts Hill regularly used for walkers, horse riders and other leisure uses which would be impacted upon by additional traffic/vehicles

- No pedestrian path on Tofts Hill
- Lack of parking spaces within the development
- Tofts Hill impassable in snow and ice leading to either dangerous impact upon highway safety or additional parking in the village
- 48 parking spaces is excessive
- Transport statement is unacceptable in suggesting cycling to Bingham
- Potential damage to listed buildings from construction traffic

Residential Amenity

- Loss of view/outlook from adjacent properties
- Overbearing impact and loss of privacy on existing properties
- Overlooking impacts
- Impact from headlights shining
- Impact upon the value of adjacent properties
- Impact upon noise and disturbance during construction
- Light pollution
- Smells from adjacent bin store in close proximity to the neighbouring properties

Ecology

- Environmental impact resulting from the loss of habitat which is irreparable
- Loss of potentially important/ancient hedgerows and lack of clarification regarding which hedgerows are important
- Abundant of wildlife which would be impacted
- Loss of flora and fauna in general
- Site offers no net gain for nature

Drainage/Flooding

- Impact negatively on the water table
- How can the developer guarantee that properties would not suffer subsidence or cause flooding
- Existing sewage network would be unable to cope with the proposed development
- Addition of hardstanding likely to result in large amounts of run-off during heavy rain
- Underground streams flow through the site
- Inadequate drainage strategy of the developer
- Urban creep impact

Other issues

- Lack of archaeological work undertaken
- Resultant negative impact on the current population
- Planning application and appeal on adjacent agricultural barns was refused and dismissed at appeal due to impact upon the character of the surrounding area
- Communications would be impacted by additional dwellings
- Existing services unable to cope with the additional development
- The site will have negligible impact on village sustainability so should not be used as an argument
- Sets a precedent for further development up Tofts Hill
- Bus schedule is unsuitable for those wishing to work in Nottingham,

- Grantham or London
- Field should be retained to provide a carbon function
- Impact upon quality of life of surrounding residents
- Lack of energy efficiency and low carbon generation schemes
- Proposal will be amended in the future to provide additional bedrooms
- Designed for additional houses/development

Financial Implications:

None identified

Background Papers:

None

Appendices:

- A: Summary of Statutory Consultation responses
- B: Summary of Recommended Planning Conditions
- C: Informatives
- D: List of applicable Development Plan policies

Report Timeline:

Assistant Director Approval

19th February 2020

Report Author:

Andrew Cunningham – Planning Officer, Development Management

☎: 01664 502427

Appendix A : Summary of Statutory Consultation Responses

(Based on Revised Set of Plans Dec. 2019 and Jan. 2020)

Stathern Parish Council (full response provided)

- Stathern Parish Council Objection to Tofts Hill Planning application 19/00741/FUL

Following the amendments submitted on 23rd Dec 2019, the objection stands as set out below.

This application has generated considerable concern in the village and many (29) residents attended our PC meeting to voice those concerns. We very strongly concur with these objections.

Tofts Hill is a defining and much loved part of the village and this proposal, would profoundly affect the area and its use having a damaging effect on both character and setting of the settlement and its built environment. It is well used for peaceful recreation purposes for walkers, cyclists and horse riders as well as access to the cemetery. A village survey in 2016 put this area as the least favoured area for development by a large margin. This is supported by the independent assessment contained in the Melton Local Plan. (see below)

It is counter to the Melton Local Plan's criteria for development in both letter and spirit. It would also appear to be outside the definition of a windfall site, being of a size more appropriate for allocations. It would surely have failed to gain approval in that process as it is counter to several Policies and the general guidance on development in Stathern.

Appendix 1 (Site allocations and policies) states on page 56 of Stathern "The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development".

Policy SS3 (Sustainable development) states that development must "Meet a proven local need". Stathern has two allocated sites which fully meet the requirements of the plan. One is already under construction and the second is expected to come forward imminently. In addition there is a reserve site for which planning permission has not been granted. Other windfall sites have come forward and been approved recently with several built. Many of these are still for sale. Stathern is likely to achieve the target set in the plan within 3-5 years of the plans adoption. Melton as a whole has a very significant supply of houses with planning permissions and active allocations (7-10 years). There is no need for these houses

Policy EN1 – Landscape. This requires that development "does not have an unacceptable adverse effect on important landscape features including –

distinctive topography and important views, approaches and settings". It also prohibits development which has an adverse effect "upon an area's sense of place and local distinctiveness" or "upon areas of tranquillity". A previous application for two dwellings, adjacent to the proposed site (16/00223/FUL) was refused in mid-2016 and went to Appeal. In upholding the refusal, the inspector's decision letter states that "The main issue in this case is the effect of the proposal on the character and appearance of the area.

Policy EN6 – Settlement Character. This states that 'Development proposals will be supported where they DO NOT harm open areas which:

1. Contribute positively to the individual character of a settlement
2. Contribute to the setting of historic built form and features
3. Contribute to the key characteristics and feature of conservation areas
4. Form a key entrance and/or gateway to a settlement.

In this case all four tests are failed as harm will be done on all points. This development would adversely affect and do significant harm to surrounding areas which include parts of the conservation area, the cemetery and open areas.

In addition to the general points above, which apply to any development of this site, there are significant faults with the particular proposal. It constitutes an inappropriate density of dwellings for an edge of village (most would call it outside of village) site. The size and height of dwellings would be overwhelming for the neighbouring properties and affect the views of and from the village very badly. It is only made practical by terracing and retaining walls which would irrevocably change the character of the site and be particularly out of place.

The highways report is self serving and inadequate, referring only to whether residents can safely exit the site and with no assessment on impacts as they leave. Vehicles cannot leave the site without using a road with either no, or inadequate footpaths and cross areas used by pedestrians, cyclists and horse riders (including children going to school. It, somewhat ridiculously posits that car use will be limited by the availability of public transport and cycle usage. Unlikely. Parking spaces count includes garage space.

Proposed access points are both across areas with no footpath and onto narrow and/or congested roads. The Tofts Hill access removes a mature (historic?) hedge and utilises what is described as a wide verge. As can clearly be seen from their own photo this verge has no grass as it is regularly used for parking by residents and visitors (both for leisure and to visit the cemetery). This parking space would be removed.

The drainage report only covers removal of surface water from what falls on the site itself and has no comment on any water coming down from higher up the hill.

Much more detail could be added on many of these points.

Overall, we are convinced that this egregious proposal should and will be rejected as not fulfilling several key tests of the Melton Local Plan.

Leicestershire County Council Highways

- No objection subject to conditions.

LCC Ecology

- No objection subject to conditions.

LCC Archaeology

- No objection subject to conditions.

Lead Local Flood Authority

- No objection subject to conditions.

Environment Agency

- No formal comments provided.

Severn Trent Water

- No objections.

Leicestershire County Council Developer Contributions

- Initial Response – Requested Education Contribution of (Secondary School (11-16) Sector Requirement) £29,853.20.
- Revised Response – No Contribution Requested

Leicestershire Police Designing Out Crime Officer

- General Recommendations Provided

Leicestershire County Council Arboricultural and Forestry Officer

- Concerns raised regarding the removal of hedgerow adjacent to Tofts Hill. Submission of a Hedgerow Management Plan requested.

Appendix B : Summary of Recommended Planning Conditions

1. The development hereby permitted 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 the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

PL001 Site Location Plan

received by the Local Planning Authority on 3rd July 2019

PL-100B Plot 1 Proposed Plans and Elevations

PL-200B Plot 2 Proposed Plans and Elevations

PL-300A Plot 3 Proposed Plans and Elevations

PL-400A Plot 4 Proposed Plans and Elevations

PL-500B Plot 5 Proposed Plans and Elevations

PL-800 Plot 8 Proposed Plans and Elevations

PL-900A Plot 9 Proposed Plans and Elevations

received by the Local Planning Authority on 2nd December 2019

PL-600C Plot 6 Proposed Plans

PL-601B Plot 6 Proposed Elevations

PL-700B Plot 7 Proposed Plans and Elevations

PL-002F Proposed Site Plan

received by the Local Planning Authority on 10th February 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

4. Before development commences the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details prior to the first occupation of any dwelling on the site.

- a) Details of windows/doors/doorsheads/cills. Details of their design, specification, method of opening, reveal, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted.

- b) Brick/stone sample panel to be provided on site. This shall show the brick/stone, bond, mortar and pointing technique and shall not be less

than one square metre.

c) Details of treatment of verges & eaves.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

5. Notwithstanding the submitted information, no development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme and a hedgerow management plan, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan.

6. Notwithstanding the submitted information, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on approved PL-002F Proposed Site Plan received by the Local Planning Authority on 10th February 2020 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 Policies D1 and IN2 of the Melton Local Plan and the National Planning Policy Framework 2019.

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access either side for the access off Tofts Hill and 2.4 metres by 33 metres to the west of the access off The Green. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policies D1 and IN2 of the

Melton Local Plan.

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved PL-002F Proposed Site Plan received by the Local Planning Authority on 10th February 2020. Thereafter the onsite parking provision shall be so maintained 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 Policies D1 and IN2 of the Melton Local Plan.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the area in accordance with Policies D1 and IN2 of the Melton Local Plan.

11. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter the drainage details shall be implemented in accordance with the approval and surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework 2019.

12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 10 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policies D1 and IN2 of the Melton Local Plan.

13. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt

with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

14. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. 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 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.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

15. 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 shall then be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with EN11 and EN12 of the Melton Local Plan.

16. 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 development shall then be carried out in accordance with the 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 though the entire development construction phase, in accordance with EN11 and EN12 of the Melton Local Plan.

17. 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 development shall then be carried out in accordance with the approved details.

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, in accordance with EN11 and EN12 of the Melton Local Plan.

18. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy, in accordance with EN11 and EN12 of the Melton Local Plan.

19. Prior to the commencement of the development, a plan showing a minimum of 3 swift boxes should be provided to the Local Planning Authority for approval. Thereafter these should be included within the development and retained in perpetuity.

Reason: To ensure satisfactory mitigation for wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan

20. No external related construction activities shall take place outside the hours of 08:00 to 17:30 Mondays to Fridays or between 09:00 to 14:00 hours on Saturdays. No such operations shall take place at any time on Sundays or Bank/Public Holidays.

Reason: To secure the satisfactory development of the site and no adverse impact upon residential amenity of neighbouring properties, in accordance with Policy D1 of the Melton Local Plan.

21. The window on the first floor, northwest facing elevation of plot 6 (indicated as serving an en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

22. The window on the first floor, southeast facing elevation of plot 7 (indicated as serving a bathroom) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

23. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Class B to Plots 1, 3 and 5 as indicated on approved PL-002F

Proposed Site Plan received by the Local Planning Authority on 10th February 2020 hereby permitted shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D1 of the Melton Local Plan.

24. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Class B to Plots 6 and 7 as indicated on approved PL-002F Proposed Site Plan received by the Local Planning Authority on 10th February 2020 hereby permitted shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure there would be no adverse impact upon the character of the immediate and wider area in accordance with Policies SS1 and D1 of the Melton Local Plan.

Appendix C : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide.
2. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

3. More information regarding swift boxes can be found at <https://www.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-and-rutland-environment-records-centre-lrerc>
4. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
5. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
6. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.
7. 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.
8. 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.
9. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
10. Where there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/Flood-risk-management>
11. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
12. For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal

application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

13. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

14. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Should you require any further information please contact us on the telephone number or email below

Tel: 0345 2667930

Email: Planning.APEast@severntrent.co.uk

Appendix D: List of applicable Development Plan policies

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to Service Centres and Rural Hubs.
- **Policy C3 – National Space Standard and Smaller Dwellings** states that developments for open market housing will be particularly supported where the national space standard is applied to dwellings with up to and including 3 bedrooms.
- **Policy C4 – Affordable Housing Provision** seeks 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.
- **Policy EN1 – Landscape** states that the character of Melton Borough's landscape and countryside will be conserved and, where possible enhance by ensuring new development is sensitive to its landscape setting and requiring new developments to respect existing landscape character and features
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and

geological conservation interests

- **Policy EN3 – The Melton Green Infrastructure Network** states that new development proposals will be supported where they retain and enhance important green infrastructure elements such as areas of geological and archaeological interest.
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design;



Planning Committee

23 July 2020

Report of: Assistant Director for Planning and Delivery

19/00859/OUT - Field OS6260, Canal Lane, Hose: Proposed erection of 34 dwellings

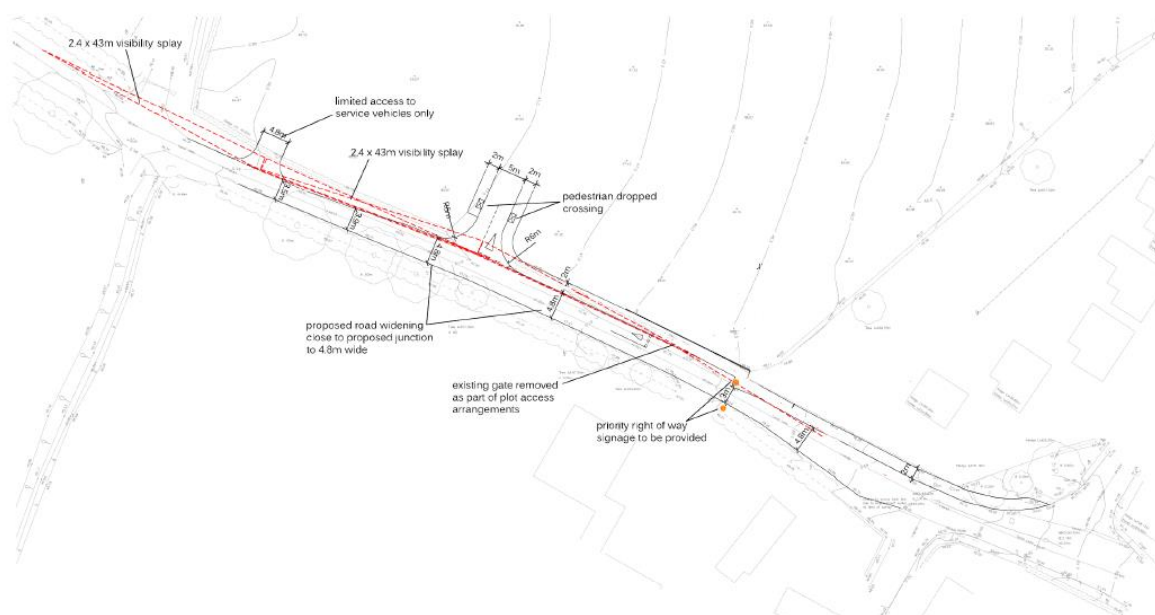
Applicant: Mr Adrian Kerrison, Plumtree Homes LLP

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Long Clawson and Stathern : Councillor C Evans and Councillor M Steadman
Date of consultation with Ward Member(s):	28 August 2019
Exempt Information:	None

1 Summary



- 1.1 The site measures approximately 2.1 hectares of former agricultural land located to the west of the village of Hose. Three accesses are proposed to Canal Lane, one main access serving the majority of the development, one further serving a number of properties fronting onto Canal Lane and a further which serves as maintenance access for the attenuation pond.
- 1.2 This application seeks outline planning permission for the erection of 34 dwellings **with all matters reserved except for access**. The access proposed is as follows;



- 1.3 Housing mix is currently **indicated** as the following and the applicants viability appraisal, addressed later in this report, is based on this mix:

ACCOMMODATION SCHEDULE:

Type:	Beds	Nos.
House	4	14
House	3	6
House	2	8
Bungalow	2	6
TOTAL:	102	34

- 1.4 An **indicative site layout** plan has also been provided to indicate how the site could accommodate 34 dwellings, however the layout and scale of these properties as shown on the site plan is not for consideration.
- 1.5 The application site is surrounded by residential properties to the east, and partly to the south, open fields to the north and a livery yard to the west. A public Bridleway runs along the track immediately to the west of the site, however this is not impacted by the

development. The Conservation Area of Hose lies to the south and very slightly opposite the application site.

- 1.6 The application site is allocated for housing within the Melton Local Plan (HOS1) with an estimated capacity of 42 dwellings. The site is also allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan for up to 41 dwellings (NPHOS1). As such, the site is also within the Limits to Development within the Neighbourhood Plan.

2	Recommendation(s)
2.1	It is recommended that the Planning application is APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards: (i) Primary and secondary education provision. (ii) Contribution to sustainable transport options. (iii) Contribution towards waste services. (iv) NHS contribution

3 Reason for Recommendations

- 3.1 The application site is allocated for housing in the Melton Borough Local Plan and Neighbourhood Plan and two extant outline planning permissions have been granted previously for the erection of 41 dwellings. The principle of the development is considered acceptable subject to detail provided in a future reserved matters application.
- 3.2 Access from Canal Lane can be provided in accordance with Local Highway Authority Design Guidance and subject to conditions there would be no significant adverse impact on highway safety.

4 Key Factors

4.1 Reason for Committee Determination

- 4.2 This application is being considered by the Committee in view of its scale and significance and that it is an allocated site in both the Local Plan and Neighbourhood Plan.
- 4.3 The application is also required to be considered by the Committee in respect to the contributions requested through completion of a Section 106 agreement.

4.4 Relevant Policies

- 4.4.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 4.4.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 4.4.3 The Clawson, Hose and Harby Neighbourhood Plan was adopted in June 2018 and allocates the site for residential development, subject to various design and access criteria.
- 4.4.4 Please see Appendix E for a list of all applicable policies.

4.5 Main Issues

- 4.5.1 The main issues for this application are considered to be:
- Principle of development; compliance with Development Plan Policies.

- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on contamination/odour
- Impact on flood risk
- Implications on infrastructure
- Viability and affordable housing

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site is adjacent to the settlement of Hose and policies SS1 and SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Hose is identified in the Local Plan as a Service Centre and has a housing allocation with estimated capacity 42 dwellings 'HOS1'. This application proposes 34 dwellings.

5.1.2 The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village has passed a robust examination.

5.1.3 The Clawson, Hose and Harby Neighbourhood Plan allocates the site for up to 41 dwellings as 'NPHOS1'.

5.1.4 Other material considerations are the National Planning Policy Framework (NPPF) and the Hose Conservation Area Appraisal.

5.2 Principle of Development

5.2.1 The application site is allocated for housing within the Melton Local Plan (HOS1) with an estimated capacity of 42 dwellings. The site is also allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan for up to 41 dwellings (NPHOS1).

5.2.2 In addition, two outline planning permissions have also been granted previously across the site (split into 2), for the erection of 25 dwellings (ref. 15/00944/OUT) and the erection of 16 dwellings (ref. 17/00401/OUT). Both outline planning permissions are still extant, however no reserved matters application has been submitted.

5.2.3 As such, the principle of the development was established by virtue of its allocation in both Local and Neighbourhood Plan and by previous outline planning consents.

5.2.4 The scheme is to be considered to be in accordance with Policies set out within SS2 and C1(A) (site allocations) of the Melton Local Plan. Clawson, Hose and Harby Neighbourhood Plan policy NPHOS1.

5.3 Compliance with Development Plan Policies.

5.3.1 Policy H2 of the Neighbourhood Plan states that development of the application site will be supported provided:

- it is up to 25 plus 16 dwellings, limited to two storeys high;

- the layout is properly integrated between the two sites ;
- the integrated layout of the extended NPHOS1 & NPHOS1+ site allows space for the provision of possible future footpath and vehicular connection to the land to the north;
- the integrated layout for the extended site allows for off-road pedestrian access to the village by Canal Lane;
- all site boundaries are subject to tree and hedgerow retention and enhancement during the reserved matters application and construction

5.3.2 The majority of the above comments relate to the layout, siting and scale of the proposed dwellings and whilst an indicative layout/sketch plan has been provided these details are reserved matters which are not for consideration as part of this application.

5.3.3 Notwithstanding this, a pedestrian footpath will be provided at the front of the site to allow pedestrian connection to the existing village. Concerns raised regarding the connection to the land to the north is noted and will be fully assessed at detailed matters stage, however as this is outline (access only) this is not considered to be a reason for refusal. In addition, other matters should be considered, such as the retention and protection of the existing hedgerow to the north and whether the existing road network can cater of the proposed development.

5.3.4 Housing mix proposed is considered to be acceptable in line with Melton Local Plan Policies and the Neighbourhood Plan, however a condition would be imposed ensuring that the reserved matters application achieves the required housing mix.

5.4 **Affordable Housing and Viability**

5.4.1 In terms of affordable housing provision, the following request has been made from the Council's Housing Policy Officer.

Based on the current Local Plan policies, the requirement would be 32% of the total number of homes. Therefore, the requirement would be 11 affordable homes out of the total 34 homes proposed.

If planning permission is given for this site with this affordable housing requirement, then, due to there being no affordable home ownership (AHO) in the village and a low amount in the parish (12 x shared ownership properties at Long Clawson), a 50%/50% split between AHO and affordable housing for rent would be appropriate. To encourage registered provider interest in the properties, because 11 homes is likely to be considered a low amount, any s.106 agreement should be written to allow for the properties, in the event the recommended mix cannot be achieved, to be transferred between tenure eg. to all shared ownership or to all affordable housing for rent. The s.106 would also need to allow for all of the properties to be sold as discounted market sale or for a financial commuted sum to be paid if RP interest cannot be obtained.

5.4.2 The financial contribution requirement resulting from the development for infrastructure (see section 6 below for details) totals approximately £145,000 and under Local Plan Policy C4 and on site affordable housing provision of 11 dwellings would also be required.

5.4.3 The applicant has submitted a financial viability assessment which concludes that the scheme would be unviable should the above requirements be included within the permission. The applicant states that the scheme would only be viable if the development provided the full off site financial contribution requirement and 8 affordable units. This assessment is based on an assumed housing mix (as set out at paragraph 1.3 above) but as an outline application there can be no certainty that this mix will be pursued as 'reserved

matters' (or that it will be found acceptable), and that the affordable housing will be 100% discount market housing at 80% OMV.

- 5.4.4 The Council has instructed an independent financial review of the applicant's viability assessment. Following a lengthy and detailed discussion between the parties, the independent financial reviewer has come to the conclusion that the scheme could potentially be viable when providing the full off site financial contribution requirements and full provision (11) affordable units, depending on the final configuration of the houses on the site and the type and tenure mix of the affordable units. .
- 5.4.5 It is considered inappropriate to conclude detailed viability analysis at 'outline' stage because there remains many variables. In keeping with the application's outline status, and in order to allow further consideration of viability when the scheme has developed into a detailed design, a condition is recommended to ensure that the affordable housing provision is detailed in a scheme to be submitted to the Local Planning Authority alongside full details.
- 5.4.6 The final tenure mix would not be specified within the S106 and would be determined at a later date once established in detail through 'reserved matters' in line with the comments from the Housing Policy Officer and circumstances (e.g. build costs and market conditions) prevailing at the time
- 5.4.7 The relevant financial contribution requirements for infrastructure are detailed in section 6 below.

5.5 **Impact upon the character of the area**

- 5.5.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design and Policy EN6 addresses settlement character in terms of valuable open spaces, the build form and the character of Conservation Area etc. Policy H7 of the Neighbourhood Plan also requires certain design criteria within new development proposals.
- 5.5.2 The application site is not public open space, it is not identified as 'important green space' or within an identified –'important view' within either the Melton Local Plan or Neighbourhood Plan. As such, there are no in principle issues resulting from its loss as agricultural land.
- 5.5.3 The layout provided at this outline stage is indicative and the appearance of the buildings and final layout would be assessed as part of any future reserved matters application. The indicative layout shows ample opportunity for the retention of the hedges and trees (except in the location of the vehicular access), together with enhancement of planting, open areas and the provision of an drainage attenuation area.
- 5.5.4 Permission would be subject to a landscaping scheme to provide visual enhancement together with biodiversity gains.
- 5.5.5 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement. It is acknowledged that this site is located on the western entrance to the village and the development of the site would alter its character.
- 5.5.6 However, it would be a smaller proposal than the combined outline permissions on the site and the indicative layout provided shows opportunity for a wildlife corridor and buffer to the existing hedgerow on the western end of the site.

5.5.7 In addition, there is an existing livery yard further to the west. The existing dwellings facing onto the site from Chapel Lane have an open outlook but do not present a remarkable or particularly sensitive character to the village approach. A well designed development on this site is therefore not considered to harm the character of the village or adversely affect gateway views. Furthermore, the proposed housing would be viewed against the backdrop and in the context of the existing village.

5.5.8 A small parcel of land opposite the site to the south falls within the Conservation Area of Hose. It is considered that a layout could be provided with an acceptable appearance and scale of dwellings that would relate to and reflect the character of the adjacent Conservation Area. Therefore, it is considered that the development would have a neutral impact upon the conservation area subject to the submission of a reserved matters application.

5.5.9 Overall, subject to further detailed consideration at reserved matters stage, the proposals are considered to be acceptable on the grounds of impact upon the character of the area and complies with the above policies.

5.6 Impact upon Residential Amenities

5.6.1 The layout of the proposed dwellings is indicative.

5.6.2 The application site is currently undeveloped land adjacent to existing properties on Chapel Lane which have rear elevations facing towards the application sites. However, given the separation distances and subject to siting and scale of the proposed dwellings, it is considered that the site could accommodate 34 dwellings whilst maintaining adequate residential amenity for neighbouring properties in terms of outlook and privacy.

5.6.3 Subject to layout and siting of the dwellings, sufficient amenity space for the dwellings could also be provided.

5.6.4 Loss of a view and devaluation of adjacent properties are not material planning considerations.

5.6.5 The proposed development is adjacent to existing residential dwellings. As such construction activities – noise, vibration, dust and artificial light could adversely affect residential amenity. Environmental Health therefore recommends that a Constructional Environment Management Plan is to be submitted prior to commencement of development.

5.6.6 Overall, it is considered that the proposal would comply with the relevant policies of the Melton Local Plan and Neighbourhood Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.

5.7 Highway Safety

5.7.1 The proposed development would result in the provision of 34 dwellings.

5.7.2 Following concerns a revised access plan has been provided showing two separate accesses to serve the site

5.7.3 The western access is proposed to be limited to service vehicles only, and is shown to have a width of 4.8m which is to be maintained for the first 5m behind the highway boundary, in accordance with the Leicestershire Highway Design Guide (LHDG). Notwithstanding that the layout details a 4m access radii; the radii should be 6m. A condition is therefore recommended to secure this.

- 5.7.4 The other site access is indicated to serve all the dwellings and has a 4.8m access width, maintained for the first 5m behind the highway boundary, with two 2m wide footways and 6m radii. This would be in accordance with the LHDG.
- 5.7.5 The extant agricultural access is to be permanently closed.
- 5.7.6 Both accesses have 2.4m x 43m visibility splays detailed and is considered acceptable in line with LHDG, subject to conditions securing the required visibility splays. Pedestrian visibility at both accesses is acceptable.
- 5.7.7 Previously, the Local Highway Authority advised the Applicant that a scheme of highway improvements, including road widening and an improved village gateway feature was required. Full details of these works are to be secured by condition.
- 5.7.8 The development site lies adjacent to Public Bridleway G36; it is not considered that the development should significantly affect the Public's use and enjoyment of the Right of Way.
- 5.7.9 Whilst layout is a reserved matter, sufficient off street parking could be contained within the site to cater for the development in line with the LHDG and the Neighbourhood Plan Policies.
- 5.7.10 LCC Highways have raised no concerns subject to conditions. It is therefore considered that the proposal would not result in severe highway impacts.
- 5.7.11 A Construction Traffic Management (CTM) Plan has been recommended to be submitted by condition to ensure suitable and safe passage of vehicles along the highway and to ensure there is no mud or excess material on the highway.
- 5.7.12 **As such, the development is considered to be in accordance with the relevant policies of the Melton Local Plan and the Neighbourhood Plan in respect of highway safety and parking.**

5.8 Ecology

- 5.8.1 The application has been supported by a Phase 1 Habitat Survey and Protected Species Assessment, Land Environmental Management Plan, Protected Species (Great Crested Newt) Survey and updated Great Crested Newt Survey Report.
- 5.8.2 This application site has been subject to a number of ecological surveys over the last few years and the surveys indicate that the site comprises improved grassland, surrounded by hedgerows. The updated Great Crested Newt Survey (Brindle & Green, July 2018) identifies that the on-site pond still supports GCN, with a medium population being recorded in the vicinity. The proposed GCN mitigation strategy contained within Table 8 of the GCN Survey is acceptable and compliance with this should be required as a condition of the development.
- 5.8.3 Whilst indicative, a revised layout plan has been provided which demonstrates a 10 metres buffer surrounding the ponds and 5 metre buffer between the development (including garden boundaries) and the boundary hedgerows. This buffer incorporates a wildlife corridor which would be in accordance with the provisions of Policy ENV7 of the Neighbourhood Plan.
- 5.8.4 As a result, there are not considered to be any adverse impact upon biodiversity, subject to conditions and the submission of further details at the reserved matters stage. LCC Ecology raise no objections subject to conditions and as such, **it is not considered that the development would result in any adverse impact upon biodiversity in accordance with the relevant policies of the Melton Local Plan and the Neighbourhood Plan.**

5.9 Archaeology

- 5.9.1 The application site is identified within the Neighbourhood Plan as a field with well-preserved ridge and furrow features. The application has been supported by a Desk-based Assessment (PCA Report Number: R12097) and a Written Scheme of Investigation. Whilst recent investigations have occurred to the north-east of the village, no new data has become available to significantly modify the conclusions drawn in the submitted Desk Based Assessment or to modify the evaluation approach proposed in the Written Scheme.
- 5.9.2 LCC Archaeology have assessed the submitted details as well as reassessing the available aerial photographic and LiDAR data for the site and states this information appears to show no observable change in respect of the site conditions - pasture, with relatively poor (plough damaged) ridge and furrow earthworks.
- 5.9.3 As such, LCC Archaeology recommends approval of the submitted documents and raise no concerns with the development of the site or loss of the field on archaeological grounds. Therefore, notwithstanding the identification of the site in Policy ENV5 of the Neighbourhood Plan it is considered that sufficient assessment has been undertaken in respect of archaeological grounds and the public benefit of delivering housing on an allocated site within both the Local Plan and Neighbourhood Plan would outweigh the loss of a site which is considered to be of a relatively poor nature.
- 5.9.4 Therefore, subject to conditioning the necessary archaeological programme outlined within the submitted written scheme of Investigation, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.

5.10 Contamination/Odour

- 5.10.1 The development land does not feature on Melton Borough Council's contaminated / strategic land databases; however agricultural land can be associated with a number of polluting activities that can pose a risk to residential end users. The applicant has advised that they are not aware that there has been any of the polluting activities indicated by Environmental Health. Therefore, Environmental Health recommends that should contamination be found at a later date, then a remediation statement is to be submitted to the Local Planning Authority for consideration. This is to be secured by condition.
- 5.10.2 Given the nature of the adjoining land uses, the applicant has submitted a preliminary odour assessment which has regard to the adjacent equestrian/livery yard to the west. Although no odour was noted at the time of the site visit, it is recognised that some odour might be discernible from time to time. Particularly during the summer months and with an unfavourable wind direction.
- 5.10.3 In addition to the equestrian centre, there is also a livestock farm some distance to the north with tanks of slurry needing to be stirred and pumped out when full which is a particularly odorous process.
- 5.10.4 Notwithstanding the above, Hose is a rural village and some agricultural odour is expected as part and parcel of rural life. To an extent existing residents will be accustomed to and tolerant of agricultural smells.
- 5.10.5 It is recommended that a condition is placed on the permission which ensures that should any contamination be present, then details should be submitted to the council for approval.
- 5.10.6 The developer is advised to discuss agricultural odours with prospective purchasers, especially those from non-rural backgrounds.

5.10.7 As such, Environmental Health does not object to this application on grounds of odour nuisance or contamination.

5.11 Flood Risk/Drainage

- 5.11.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding. A Flood Risk Assessment has been submitted in support of the application.
- 5.11.2 Following the initial response from the Lead Local Flood Authority (LLFA), the applicant has provided an addendum to the Flood Risk Assessment and accompanying drainage strategy for the revised proposed dwellings (including attenuation calculations) and climate change factor amended to 40% in line with revised Environment Agency guidance (2016).
- 5.11.3 It is proposed that surface water from the development will be collected by a network of surface water sewers and swales into an attenuation basin before discharging to the watercourse 200 metres to the south. Attenuation of flows will be provided within the proposed surface water sewer system for storms up to a 1 in 100 year event (+30% allowance for climate change). The proposed surface water strategy will not increase flood risk at the site or elsewhere.
- 5.11.4 It is proposed that foul water from the development will drain via a pipe system to the existing combined foul sewer system located in Canal Lane beyond the sites south-east corner which drains into the existing pumping station to the south.
- 5.11.5 Consequently, the proposals are considered acceptable to the LLFA and no concern is raised regarding drainage, subject to conditions.
- 5.11.6 Whilst evidence of localised flooding nearby is acknowledged there is no reason to suppose that the development would exacerbate this subject to the robust provision of surface water drainage on the site.
- 5.11.7 As such, no concern is raised regarding drainage impacts resulting from the development, subject to conditions.

6 Impact on Infrastructure

- 6.1 A Section 106 Agreement relating to contributions towards education, sustainable travel, NHS and civic amenities is required as detailed below.
- Secondary education provision of £101,536.65
 - Civic amenity request of £2,810
 - Library request of £1,030
 - Sustainable travel provision of approximately £29,037
 - NHS funding of £10,308.04
- 6.2 This equates to a total financial contribution of £144,721.69 of which would ensure that the impact of the development on local infrastructure can be mitigated and the benefits of the proposal enhanced.

7 Consultation & Feedback

- 7.1 A site notice was posted and neighbouring properties consulted. As a result letters of objections were received from nine properties.

8 Financial Implications

8.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

Financial Implications reviewed by: N/A

Legal and Governance Implications

9 The application engages the statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.1

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

Legal Implications reviewed by: Legal Advisor (Planning)

Background Papers

10

10.1 15/00944/OUT (25 dwellings)

10.2 17/00401/OUT (16 dwellings)

11 Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C: Recommended Planning Conditions

D: Informatives

E: List of applicable Development Plan policies

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Appendix A : Consultation replies summary

Parish Council:

The Parish Council objects to this application as it does not comply with the Neighbourhood Plan:

- H1- This housing mix does not comply with either the Melton Local Plan or the Neighbourhood Plan (14 of the 34 dwellings are now intended as 4-bedroom dwellings);
- H5 & H6 - Only one starter home included;
- ENV4 & ENV6 – Mature ash trees have been removed from the hedgerow, damaging local biodiversity;
- ENV7 – A great crested newt survey should be undertaken;
- ENV8 – The view coming into the village from Canal Lane will be dominated by large houses on the highest part of the site;
- ENV9 – This area already suffers from flooding of the adjacent bridleway. This development would increase the risk of flooding so must include a Surface Water Drainage Strategy;
- T3 – The footpath should be inside the hedge as Canal Lane is already narrow single track with no footway.

There is no mention of a connecting access road to Harby Lane, which would decrease construction traffic movement through the village.

Ward Member Councillor Evans:

The layout of the housing and road network leaves no alternative route for traffic except Canal Lane, resulting in all traffic having to go through the centre of Hose on already congested narrow roads.

I am also concerned over the level of protection given towards the ponds which are in the NP as one of only a limited number of breeding sites for the Great Crested Newt in this area. This will be even worse should the neighbouring allocated development site be developed on.

Environment Agency:

No formal comments.

Housing Policy:

Comments received as detailed in the report.

LCC Archaeology:

No objection subject to conditions.

LCC Lead Local Flood Authority:

No objection subject to conditions.

LCC Highways:

No objection subject to conditions and contribution request for Travel Packs; 6 month bus passes, two per dwelling; Improvements to the 2 nearest bus stops including raised and dropped kerbs to allow level access and £180 for a flag and pole; and Information display cases at 2 nearest bus stops.

LCC Developer Contributions Education:

Secondary Education Request of £101,536.65

LCC Developer Contributions Libraries:

Library services request for a contribution of £1030 (rounded up to the nearest £10).

LCC Developer Contributions Waste:

The County Council waste team state the proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain existing service levels. As such a developer contribution of £2810.00 is required

East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG) is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning.

As part of this responsibility, ELR CCG financially support estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively ELR CCG will continue to request s106 contributions.

Total funding request of £10,308.04.

LCC Ecologist:

No objection subject to conditions.

MBC Environmental Health:

No objection subject to conditions.

Appendix B : Summary of representations received**Neighbours:**

Nine objections have been received from local residents on the following grounds:

- The traffic generation from the proposed development has not been properly considered, and lack of an access road proposed to Harby Road
- Additional traffic down Canal Lane would have adverse impact upon highway safety
- Existing roads unable to cater for the development
- School not of sufficient capacity to cater for the development

- Impact upon the character of the area
- Impact upon wildlife and biodiversity
- Devaluation of adjacent properties
- Loss of view and privacy from adjacent properties
- Flooding and drainage implications
- Loss of rural identity by additional development in the village
- Poor layout and mix of housing
- Bungalows in the centre of the site are unsuitable for access to public transport

Appendix C: Recommended Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

Appearance

Landscaping

Layout

Scale

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

Reason: To ensure a satisfactory appearance and impact of the development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.

Reason: To cater for a range of housing needs and to accord with Policy C2 of the Melton Local Plan, Policy H5 of the Clawson, Hose and Harby

Neighbourhood Plan.

4. Construction work on no more than 50% of the dwellings shall commence on site and no dwellings shall be occupied until the detail of arrangements for the provision of affordable housing equating to 32% of the quantum of the development (11 units) have been submitted to and approved in writing by the Local Planning Authority. The details shall include;
- (a) the numbers, type and location of the affordable housing provision to be made as part of the development;
 - (b) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
 - (c) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing provision, and the means by which such occupancy criteria shall be enforced.
 - (d) the timing of the construction of the affordable housing provision and its phasing in relation to the occupancy of the market housing;

The requirements of the approved detailed arrangements will be complied with in implementation of the planning permission

Reason: To secure the provision affordable housing and to ensure a satisfactory standard of control over the occupation of the affordable units as required by Policy C4 of the Melton Borough Local Plan and Policy H6 of the Clawson, Hose and Harby Neighbourhood Plan.

5. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Location Plan drg. no. PL-001
received by the Local Planning Authority on 1 August 2019

Proposed Highways Access drg. no. PL-002B June 2020
received by the Local Planning Authority on 3 July 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

6. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

7. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels

have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

8. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan

9. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

Reason: In the interests of visual amenity in accordance with Policies D1 of the Melton Local Plan and Policies H1 and H2 of the Clawson, Hose and Harby Neighbourhood Plan.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose

and Harby Neighbourhood Plan.

11. Development shall not begin until details of design for off-site highway works being the access arrangements, footway and priority right of way scheme shown generally on drawing number PL-002B have been approved in writing by the local planning authority; and no dwelling in the development shall not be occupied until that scheme has been constructed in accordance with the approved details.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at each site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

13. The gradient of the proposed central access road shall not exceed 1:30 for its first 10 metres. The gradient of the western service access and eastern shared vehicular crossover access, shall not exceed 1:20 for their first 5 metres.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

14. Notwithstanding the submitted information, before first occupation of the development hereby permitted, the eastern service access to the site shall be provided with 6 metre control radii on both sides of the access.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

15. Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so

maintained.

Reason: Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

16. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

17. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

18. The development hereby permitted shall not be occupied until such time as the access drives (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

19. Any reserved matters submitted in relation to layout under condition 2 should provide for the retention of a minimum of a 4-5M buffer between the development (including garden boundaries) and the boundary hedgerows.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose

and Harby Neighbourhood Plan.

20. The development shall be carried out in full accordance with the Great Crested Newt mitigation strategy contained within Table 8 of the Great Crested Newt Survey (Brindle & Green, July 2018) received by the Local Planning Authority on 1st August 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

21. The development shall be carried out in full accordance with the recommendations of the Phase 1 Habitat Survey & Protected Species Assessment (Brindle & Green, November 2015) received by the Local Planning Authority on 1st August 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

22. Protected species surveys are to be updated in support of either the reserved matters application if this occurs after June 2021. The surveys shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

23. The development shall be carried out in full accordance with the recommendations of the ecological management plan (Brindle and Green February 2020) received by the Local Planning Authority on 17 June 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

24. No development shall take place other than in accordance with the approved Written Scheme of Investigation (Pre-Construct Archaeology Ltd, April 2016; Rev: October 2019) received by the Local Planning Authority on 18th October 2019.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan and Policy ENV5 of the Clawson, Hose and Harby Neighbourhood Plan.

25. 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. Thereafter the requirements of the approved scheme shall be implemented

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

26. 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. Thereafter the requirements of the approved scheme shall be implemented

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

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

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, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019..

28. 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 LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with. Thereafter the requirements of the approved Remediation Method Statement shall be implemented

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

29. In the event that it is proposed to import soil onto site in connection with

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

30. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- I. Procedures for maintaining good public relations including complaint management, public consultation and liaison
- II. Arrangements for liaison with the Council's Environmental Health Team
- III. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
 - 07:00 Hours and 19:00 Hours on Mondays to Fridays and
 - 08:00 and 13:00 Hours on Saturdays and
 - at no time on Sundays and Bank Holidays
- IV. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- V. Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise and vibration disturbance from construction works.
- VI. Procedures for emergency deviation of the agreed working hours.
- VII. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Thereafter the requirements of the approved Construction Environmental Management Plan shall be implemented

Reason: To secure the satisfactory development of the site and comply with Policy D1 Adopted Melton Local Plan.

Appendix D : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

2. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

3. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

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

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

6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
8. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
9. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
10. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

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.

11. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
12. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

Appendix E : Applicable Development Plan Policies

Melton Local Plan:

- Policy SS1 Presumption in Favour of Sustainable Development
- Policy SS2 Development Strategy
- Policy C1(A) Housing Allocations
- Policy C2 Housing Mix
- Policy C9 Healthier Communities
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

Clawson, Hose and Harby Neighbourhood Plan:

- Policy H1: Housing Provision
- Policy H2: Housing Site Allocations For 2016 to 2036 - NPHOS1 & NPHOS1
- Policy H5: Housing Mix
- Policy H6: Affordable Housing Provision
- Policy H7: Housing Design
- Policy ENV4: Biodiversity
- Policy ENV5: Ridge and Furrow
- Policy ENV6: Woodland, Trees and Hedges
- Policy ENV7: Protection of Great Crested Newts and their Habitats
- Policy ENV9: Flooding
- Policy T1: Public Transport
- Policy T3: Pavements, Footpaths, Cycle and Bridleways
- Policy T4: Parking
- Policy DC1: Developer Contributions

Other

- National Planning Policy Framework (February 2019)
- Affordable Housing and Housing Mix SPD (July 2019)