



20/00593/VAC – FIELD OS 2713 AND 2100, LONGCLIFF HILL, OLD DALBY

Variation of conditions 2 (plans), 7 (footpath) and 13 (obscure glazing) of planning permission 18/01111/FUL for residential development on land off Longcliff Hill, Old Dalby that currently benefits from 3 outline planning approvals - 16/00911/OUT, 16/00184/OUT and 17/00743/OUT and the submission of additional details relating to (conditions 4 & 6) surface water drainage, (5) surface water management, (10) archaeology, (11) foul and surface drainage, (14) materials, (15) landscaping and (17) ridge heights of 2.5 storey dwellings.

Applicant: Mr Paul Clayton.

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Old Dalby: Councillor Orson
Date of consultation with Ward Member(s):	5 November 2020
Exempt Information:	None

1 Summary

- 1.1** The application site is located off Longcliff Hill and is approximately a square parcel of land to the north and north-east of the highway. It is accessed from the highway in the south-west corner of the site and is bordered by countryside to the north and east, by countryside and housing on Longcliff Close to the south and by North Lodge Farm to the west.
- 1.2** This application comprises variations to the development approved under 18/01111/FUL for residential development for a total of 36 dwellings.
- 1.3** This application seeks to vary permission 18/01111/FUL with changes to the layout, footpath and obscure glazing and provides additional information relating to surface water drainage, surface water management, archaeology, foul and surface drainage, materials, landscaping and the ridge heights of the 2.5 storey dwellings.

2 Recommendation

- 2.1** **It is recommended that the authority is granted to the Assistant Director for Planning and**

Delivery to approve the application subject to :

(a) no objection from LLFA

(b) conditions as set out in Appendix A, and

(c) any further that may be recommended by the LLFA

3 Reason for Recommendations

The site already has the benefit of an extant approval for residential development, infrastructure and landscaping and this application seeks to vary that approval and to provide additional information in relation to conditions imposed on 18/01111/FUL. The principal of development remains acceptable and the changes sought and additional information are acceptable.

4 Key Factors

4.1 Reason for Committee Determination

The application is required to be presented to the Committee due to the number of representations received contrary to the recommendation.

4.2 Relevant Policies

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

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

4.2.3 The Nether Broughton and Dalby Neighbourhood Plan has been adopted and forms part of the Development Plan.

4.2.4 Please see Appendix E for a list of all applicable policies

4.3 Main Issues

4.3.1 The main issues for this application are considered to be:

- Compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on footpath
- Impact on hedges
- Impact on ecology.

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The majority of the site is allocated for residential development under Policy OLD1 of the adopted Local Plan. The southern part of the site falls outside of this allocation. The site is within the Limits to Development in the Neighbourhood Plan. Planning Permission has been granted for the entire application site and the principle of development is established: this application relates to amendments to those permissions.

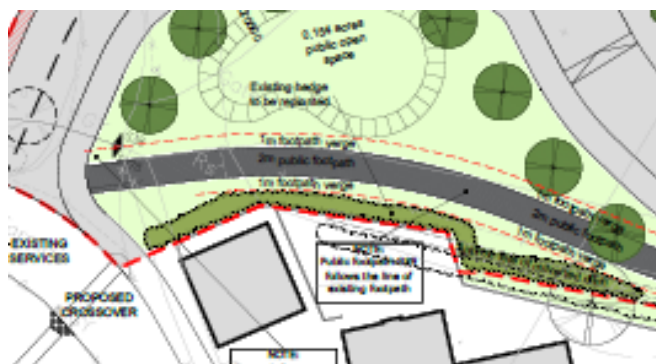
5.2 Principle of Development

5.2.1 The site has the benefit of an extant permission for residential development; this application seeks only to vary that permission and to provide additional information and therefore the principle of development is not at issue.

5.3 Impact upon the character of the area

5.3.1 The proposed layout broadly follows the approved scheme with no changes to the highway layout or general layout of dwellings. Revisions to housetypes results in minor changes to the footprint of some plots although the majority remain as approved. These are mostly confined to the northern part of the site which incorporate small changes to the approved footprint and in some instances such as plots 22, 25 and 27 include an additional ground floor room to the rear. The layout continues to propose active frontages on the key visual points of the site, to reduce the visual impact of vehicle parking and to effectively integrate all dwellings within the site. Plots 17, 18 and 36 retain the active frontages that abut the highway which together with the landscaping achieves a satisfactory appearance at the prominent point where the internal road diverges north and east.

5.3.2 To the south of the proposed public open space changes to the southern boundary are proposed together with the re-alignment of the footpath, the replacement of some hedging with fencing in the south-west corner of the site and the culverting of a small length of the drainage ditch. This follows the removal of approx. 6-8m hedgerow and a diseased tree in this location, and incorporation of the land into the garden of the adjacent house to the south. It allows for a more natural line for the public right of way and with the proposed tree planting and replacement hedge would be visually acceptable. The footpath would still run adjacent to the hedge and trees for the majority of the path from the site entrance to the south-east corner of the site other than for the access points serving the dwellings to the south. Once the replanted hedge has become established this will provide an attractive backdrop to the footpath and a green link to the open space adjacent to the site entrance. The area was formerly part of a 'wildlife corridor' which extended across the site from Longcliffe Hill through to its east boundary, comprised of continuous hedgerow, several trees and a ditch alongside. Retention of this corridor (in its entirety) was the subject of a condition. The plans propose to retain this with the exception of this 6-8m length, and a new hedgerow to be planted in this area, depicted as follows:



5.3.3 In visual terms and for users of the footpath it is considered that the amendment is minimal, particularly in the context of the whole length of the footpath and would seriously detract from the 'user experience' or deter its use.

5.3.4 The changes to the housetypes comprise relatively minor alterations to elevations, omission of ground floor windows, insertion of side facing bathroom windows, replacement of dormer windows with rooflights, minor changes in height, use of half the approved double garages as habitable accommodation etc. These changes are not considered to detract from the

appearance of the scheme or its overall design and layout quality and as such are considered acceptable. With regard to the use of half of the previously approved double garages for habitable accommodation, this is limited to Plots 24, 26 and 28 which are two-bedroom bungalows and would still be served by one parking space and one single garage each; this is considered an acceptable parking provision.

5.3.5 It is considered the proposal would retain a high standard of design and layout, in compliance with the Development Plan.

5.4 Impact upon residential amenities

5.4.1 The layout has been assessed to ensure the residential amenity of future occupants of the development and existing neighbours would be secured. The scheme would minimise the impact on existing neighbouring properties through careful siting and design and would provide a satisfactory level of amenity for future occupiers. Concern has been raised regarding potential overlooking and loss of privacy where the site borders existing dwellings to the south. Plots 2-8 are sited adjacent to this boundary and are no nearer to the boundary than the approved scheme. Plot 2 is side onto the boundary and incorporates a proposed bathroom window which could be conditioned to be obscure glazed. This dwelling is sited 3.8 metres from the site boundary as previously approved. The rear of Plots 3-4 face onto this boundary, are 9.9 metres from the boundary as before and incorporate bedroom windows as previously approved with a separation distance in excess of 21m. Plots 5-8 also back onto this boundary (plots 5-6 are 11.25 metres from the boundary as previously approved and plots 7-8 are proposed to be 12.49 metres from the boundary as opposed to the approved 12.1 metres) As before bedroom and bathroom windows are proposed in line with the extant approval and the rear facing rooflights have the bottom sill more than 1.7 metres above the internal ground level, and a separation distance of 27m, significantly in excess of normally accepted standards.

5.4.2 Overall, it is considered the proposal would provide a satisfactory level of amenity for existing and future occupants.

5.5 Highway Safety and footpath alignment

5.5.1 The proposal maintains the same number of houses and highway layout as previously approved and the Highway Authority raise no objection to the minor changes which includes alterations to parking. The Highway Authority confirms the site layout is suitable to be taken forward to detailed design and adoption through the Section 38 process. The conversion of half of some double garages into habitable accommodation would not result in a significant loss of parking or undue additional pressure for on street parking.

5.5.2 The proposal also seeks to re-align footpath G89 that runs towards the southern part of the site before running north adjacent to the eastern boundary. The footpath would follow a less angled line by the public open space and would run adjacent to the highway rather than be separated by grass verge as previously approved. Landscaping would remain to the south of the footpath. As the footpath turns north it would have landscaping to both sides together with a 1 metre verge to each side until it reaches the northern most highway within the site when although the footpath width would remain there would not be the verge to each side.

5.5.3 It is considered that although the verge to each side is preferable for the amenity of users of the footpath, this aspiration and is not always achievable and there are numerous situations where public footpaths do not enjoy this treatment. A verge can be provided for part of the

footpath within the site and along the southern portion the footpath would be adjacent to the highway and would not result in a harmful sense of enclosure.

- 5.5.4 The verges would be 'pinched' adjacent to Plot 28 (as depicted below); This would allow for the retention of the hedge on the boundary and this width would be for a limited distance. Some verge to each side would be provided albeit not 1 metre but the added sense of enclosure would be limited to the depth only of one dwelling. It is not considered that this arrangement would be so severe so as to affect the user experience and attractiveness of the footpath to an unacceptable extent. The Highway Authority (Rights of Way team) raises no objection to the proposals which propose the layout, surfacing, width and provision of a hand-gate on Footpath G89. On balance, it is considered the footpath provision would be acceptable.



- 5.5.5 Overall, the proposal is considered to be acceptable in terms of highway safety and footpath provision.

5.6 Affordable Housing/Housing Mix

- 5.6.1 The affordable housing provision and housing mix would remain as previously approved i.e. a total of 9 affordable houses would be provided on the basis of 2 affordable rented dwellings, 3 discount market units and 4 starter homes. There are also no changes to the housing mix for the market housing.

- 5.6.2 It is considered the proposals represent an acceptable housing mix in terms of size, type and tenure and results in a satisfactory affordable housing provision.

5.7 Ecology

- 5.7.1 The proposal is broadly as previously approved with the eastern boundary hedge being maintained. However, the hedge to the south of the internal access road is proposed to be replanted (with trees retained) rather than retained as previously proposed and as was secured by conditions. A revised landscaping scheme has been received and re-consultation with LCC Ecology has taken place which has not resulted in objection (to this element).

- 5.7.2 The comments from County Ecology relating to the northern and western boundaries where there are no buffers between the hedges and the domestic gardens are noted.

However, should such buffers be incorporated the developable space would be significantly reduced and achieving a satisfactory scheme would become challenging. It should be noted this was also the case with the extant approval and this was accepted previously. Overall, it is considered the ecological interests of the site and immediate surroundings will be adequately safeguarded by the proposed layout together with conditions relating to construction methods in close proximity to hedges and additional landscaping.

5.8 Flood Risk/Drainage

5.8.1 The proposal has been subject to consultation with the LLFA, Severn Trent Water and the Environment Agency. The latter two raise no objection and further information has been requested by the LLFA and re-consultation will take place once received. The previous application secured the approval of the LLFA and it is expected this will be secured again. As such, it is anticipated this objection will be removed following the submission of further information.

5.9 Conditions

- 5.9.1 The application also seeks to address or amend conditions. Condition 2 relates to the approved plans and has been addressed above.
- 5.9.2 Conditions 4, 5 and 6 related to surface water drainage, long term maintenance and surface water management during construction. These are subject to outstanding consultation with LLFA.
- 5.9.3 Condition 7 required a one metre uncluttered verge either side of the public footpath. Following the full survey of the site, it has not proved possible to retain the boundary hedge and achieve the verge of this width to each side for its full length. However, this would only be for a short part of the footpath adjacent to Plot 28 and this section would still be bordered by the existing hedge (see also para 5.5.4 above). The hedge be retained along this part of the footpath where the retention of the existing hedge would have ecological benefits. The amenity of the footpath user would therefore only be compromised for a short stretch of the path, the footpath width would remain at two metres and landscaping would remain on the eastern side. It is also noted the Highway Authority raise no objection to this part of the proposal.
- 5.9.4 Condition 10 related to archaeology and this has been adequately addressed through provision having been made for the deposition of the archive. LCC Archaeology recommend the discharge of this condition
- 5.9.5 Condition 11 related to foul and surface drainage and this is subject to re-consultation with the LLFA.
- 5.9.6 Condition 13 required the obscure glazing of all ensembles and bathrooms windows and for several side facing windows serving bedrooms. The majority of the first floor side facing windows have been omitted and those retained do not result in undue overlooking or loss of privacy and do not need to be obscure glazed. The condition can be amended to retain obscure glazing in ensuite and bathroom windows only.
- 5.9.7 Condition 14 related to materials and the details submitted for doors, windows, walls and roofs are acceptable.
- 5.9.8 Condition 15 related to landscaping and the proposed landscaping details are acceptable.

5.9.9 Condition 17 related to the requirement under condition of 18/01111/FUL of revised plans for the 2.5 storey dwellings stating the height of the 2.5 storey dwellings shall not exceed 9.2 metres to ridge level above the adjacent existing land levels and revised plans shall be submitted demonstrating compliance with this height restriction. Three plots comprising 2.5 storey dwellings would exceed 9.2 metres, at 9.31 metres overall height. Whilst the difference is marginal this height would be in breach of the condition and amended plans have been requested to resolve this discrepancy. Alternatively a condition could be imposed, as was the case for 18/01111/FUL re-imposing the limit of 9.2m.

6 Impact on Infrastructure

6.1 None.

7 Consultation & Feedback

7.1 A site notice was posted in the vicinity of the site, the application was advertised and neighbouring properties consulted. Re-consultation has taken place following the receipt of revised plans. Representations of objection have been received from 10 households.

8 Financial Implications

8.1 None.

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

9.1 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)

10 Background Papers

10.1 18/01111/FUL

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: Object on the following grounds:

1. The application should have been the subject of two separate applications as the complexity and lack of clarity in the submitted application is unhelpful and obscures changes by stealth to the original planning permission.
2. The Council was concerned regarding the proposed changes to the original planning consent, particularly the addition of extra room space to individual dwellings by adding extra rooms over garages thus increasing the size of individual houses.
3. Concerned at the deletion of garages proposed for some of the plots which will lead to more vehicles being parked within the development and on Longcliff Hill, thus exacerbating highway problems namely parking of vehicles and traffic congestion on the sub-standard road of Longcliff Hill.
4. Concerned regarding changes to the hedgerow, landscaping scheme and footpaths set out within the original consent and requires further detail on these issues.
5. The application is a complex proposal relating to the approved application 18/01111/FUL to vary three conditions of that approval and providing “information” to discharge a further eight other conditions. (note that 22 conditions were initially applied to the approval so this application only relates to half of the conditions).
 - a. Conditions 2, 7 and 13 (plans, footpath, obscure glazing): Some changes to the plots appear to be minor variations (such as inclusion of side windows, whether or not glass should be opaque etc) but are deliberately opaque, concealed within the body of the application and obscure by stealth substantial changes to the original permissions making it difficult to fully assess the impact on neighbouring properties. The housing density on this site is relatively high and was critically considered during the initial approval, hence the imposition of condition 2 which stipulates which drawing revisions were to be followed for the avoidance of doubt and condition 13, to protect privacy. Any variation of conditions impacting on privacy and residential amenity should, in our submission, be rejected.
 - b. Reduced garage space is requested for the 2 bedroom bungalows. These should, in our view, be rejected as they reduce off road parking provision and increase the potential for increased on road parking.
 - c. An additional room over the garage is proposed for each of the three 5 bedroom properties (plots 22, 25 and 27). The revised drawings for these properties are confusing, showing variable ridge heights with some figures above the max 9.2m imposed in condition 17. The excess height is in part due to the second storey rather than simply a roof space. Whilst the external appearance of the extra room over the garage is not detrimental to the overall appearance, we submit that the space could have been used better to provide an internal arrangement which allows for less reliance on the second storey to provide 5 bedrooms and thus a better option for a reduced ridge height meeting condition 17.
 - d. We have no objections to other internal alterations.

- e. The application seeks to vary condition 7 so not be bound to re-instate the public right of way across the land as a 2m wide tarmac path with a 1m wide footpath verge along its whole length. This footpath existed over the land before the initial plans for housing and was a major issue considered at the approval stage. Condition 7 was imposed to protect this public amenity and the current request to vary the condition is to accommodate the proposed size of the property on plot 28. We submit that condition 7 should not be removed, as reducing plot 28 by approximately 1m in width to maintain the footpath in full will not significantly diminish the viability of the plot to accommodate a similar property.
6. Conditions 4, 5 6 and 11: surface and foul water management and surface water drainage; Condition 10 archaeology: The Parish Council supports the assessment of the statutory consultees.
7. Condition 14: material schedule: No objections.
8. Condition 15: Landscaping: There are clear policies in our Neighbourhood Plan (policies ENV4 and ENV9) which protect existing hedgerows and trees, promote wildlife corridors and encourage planting of trees. We submit that whilst the additional tree planning is to be welcomed, proposals to maintain the biodiversity of the hedgerow crossing the site adjacent to the footpath and preservation of the biodiversity of the western site boundary within the various plot gardens are still unacceptable.
9. Condition 17: ridge heights: As mentioned above, some of the drawings still show ridge heights above the 9.2m max imposed on condition 17. These require clarification to confirm that no property (with a second storey) is above 9.2m in height.
10. General: we are also concerned by some of the drawings submitted with the application which do not appear to be related to conditions the application wishes to discharge, as listed in the application form. For example the amended street lighting layout appears to relate to condition 12, the amended refuse vehicle tracking layout possibly to condition 18?, and it is difficult to see why the amended site clearance plan is included. Recently, an application for discharge and variation of conditions for another development site in the Parish in Nether Broughton was discussed by Melton Planning Committee and the Parish Council was not able to discuss or consider aspects of the original full planning permission outside those specifically requested in the application on the table. In the light of this precedent, the Parish Council does not support a decision being made on any condition other than those requested in this application at this stage but rather be deferred to a dedicated application related specifically to those issues.

LCC Highways: No objection subject to conditions.

LCC Archaeology: No objection to discharge of condition 10.

LCC Ecology: The existing western and the proposed northern hedgerow are immediately adjacent to plot boundaries with no buffer zone, recommend that the layout is rearranged to include buffers adjacent to the hedgerows. There is an opportunity for some biodiversity gain by planting the areas along the retained eastern and east-west hedgerow through the sites, and the area around and in the SUDs, with species-rich wildflower grasslands. Recommend that trees planted along the northern edge, adjacent to open countryside, are locally native species only; at present there is a mix of native and non-native. Finally, the new hedgerow to the north is pure

Hawthorn. Further biodiversity benefit would be gained from a mixed native species hedge. Holding objection pending these changes to the landscape plans.

Environment Agency: No comments to make.

Melton Ramblers: Concerned about the width of the path at the north-west part of the development adjacent to Plot 28. Object to the removing of Condition 7 as anything less than the total overall width of 4m (2m wide tarmacadam path + 1m either side) will make the PROW unsafe and an unacceptable pinch point.

LLFA: Holding objection as sewer calculations do not correspond with the drainage strategy, no simulation results of the southern network have been provided, no details of how surface water can be managed through the construction phase of the development.

Appendix B : Summary of representations received

Representations objecting have been received from 10 households raising the following concerns:

Original Consultation (objections from 9 households):

- Creating an urban development in a rural area, houses not keeping, loss of chimney stacks, object to revised designs of Plots 1 and 2 and additional first floor window
- Seeking to reduce conditions,
- Public access, amenity and wildlife compromised,
- Loss of a wildlife corridor,
- 2.5 storey dwellings becoming three storey
- Conversion of garage space into living accommodation
- Overlooking from Plots 3-6 first floor windows and addition of side windows for Plots 1-4 will lead to further overlooking,

Second Consultation(objections from 1 household):

- Footpath provision is inadequate (see below)

Third Consultation (objections from 4 households):

- For a long length of the previous countryside footpath there is a proposed road and verge and for a further length it directly abuts a private drive wall and garage wall, width of footpath insufficient,
- No play area,
- Development seeking to remove conditions.

Appendix C: Recommended 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 following plans:

7737-01-001B
7737-03-08H
7737-10-001B
7737-03-03E
7737-03-04D
7737-03-05K
7737-03-06K
7737-03-07F
7737-03-08J
7737-03-10C
7737-03-11E
7737-03-13E
7737-03-19B
7737-03-20
7737-03-22
7737-03-23
7737-03-24A
7737-03-09H
7737-03-14H
7737-03-21
7737-03-02B
7737-03-01CC
7737-04-15K

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

3. No development shall commence on site until all existing trees and hedges 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 order to ensure the long term health of the trees and hedges to be retained.

4. No further occupation of any dwelling until the public footpath is provided in accordance with the approved plan and shall thereafter so remain.

Reason: To provide an all-weather route in the interests of amenity, safety and security of users of the Public Rights of Way in accordance with Paragraph 75 of the National Planning Policy Framework 2019.

5. The Public Footpath shall be provided with a hand-gate in the perimeter fence in the north eastern corner of the site compliant with LCC standard drawing SDFP11_REV_A.

Reason: To ensure access to the Public Footpath is retained in accordance with Paragraph 75 of the National Planning Policy Framework 2019.

6. Prior to occupation of the 10th dwelling the Public Footpath should be signposted from the

point where it leaves the new estate road with a LCC standard footpath fingerpost compliant with LCC standard drawing SD/FP/7.

Reason: To ensure the path is easy to follow through the development in the interests of amenity, safety and security of users of the Public Rights of Way in accordance with Paragraph 75 of the National Planning Policy Framework 2019.

7. Surface water and foul tbc

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. No use of the car parking areas serving Plots 1-8 shall be made until details of their illumination have been submitted to and approved in writing by the Local Planning Authority. These approved details shall be implemented prior to the use of the area for parking of residents vehicles and shall thereafter be so retained.

Reason: In order to minimise the risk of crime.

9. All ensuite and bathroom windows on all plots and bedrooms shown on the approved plans to be obscure glazed shall be glazed with densely obscured glass. This arrangement shall thereafter be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

10. The development shall be carried out in accordance with the materials schedule 7737-10-001B.

Reason: In the interests of visual amenity.

11. The approved landscape scheme (7737-04-15K) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision and maintenance of landscaping.

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on M-EC drawing number 4154_08_020_01 Rev A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

13. 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. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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

accordance with the National Planning Policy Framework (2019).

14. 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 the 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 the National Planning Policy Framework (2019).

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with HSSP Architects drawing number 7737-03-01CC. Thereafter the onsite parking provision shall be so retained for car parking in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

16. No part of the development shall be occupied until a scheme for offsite highway works, that being the provision of a footway on the eastern side of Longcliffe Hill, between the proposed site access and the existing footway at Longcliffe Close, with associated kerbing and carriageway widening where necessary to maintain a suitable carriageway width, has been submitted to and approved in writing by the Local Planning Authority and implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

Appendix D : Informatives

1. Planning This decision has been reached taking into account the requirements of paragraph 38 of the National Planning Policy Framework 2018 in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area seeking to approve applications for sustainable development where possible.
2. 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>

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.

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.

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>

3. This permission shall be read in conjunction with the s.106 agreement under 18/01111/FUL.

Appendix E : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1 (A) Housing Allocations (OLD1).
- Policy C2 Housing Mix.
- Policy C3 National Space Standard and Smaller Dwellings.
- Policy C4 Affordable Housing Provision.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN8 Climate Change.

- Policy EN11 Minimising the Risk of Flooding.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN3 Infrastructure Contributions and Community Infrastructure Levy.
- Policy D1: Raising the Standard of Design.

Broughton and Old Dalby Neighbourhood Plan

- Policy S1 Limits to Development
- Policy H1 Housing Provision
- Policy H3 Windfall Sites
- Policy H4 Housing Mix
- Policy H5 Affordable Housing Provision
- Policy H6 Housing Design
- Policy ENV6 Footpaths and Bridleways
- Policy ENV9 Biodiversity
- Policy BE5 Broadband