



20/00470/OUT - Land Adjacent to Crompton Road, Asfordby Hill

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllrs S Carter (Asfordby) and R de Burle (Asfordby)
Date of consultation with Ward Member(s):	10 February 2021
Exempt Information:	No

1 Background and Summary

- 1.1 This application was reported to 19 August Planning Committee however, it was deferred to allow to allow for discussions with the Ward Councillors and officers to gather more detail on how the scheme will work. Meetings between the applicants, officers and the Ward Councillors took place on 14th and 23rd September 2021.
- 1.2 Further consideration has been given in respect of the access roads to the site (Crompton Road and Glebe Road), the use of these roads for construction traffic, the junction capacity of Crompton Road with the A6006 and the number of dwellings proposed and whether this would be achievable with the nature of the existing roads and the buffers proposed in respect of biodiversity and ecology.
- 1.3 The original Committee report for 19 August 2021 Planning Committee is provided at Appendix A for information and only the above factors for reasons why the application was deferred will be discussed within this further report.
- 1.4 Additional information has been submitted by the applicant in relation to the above matters as well as providing an updating indicative masterplan and these are considered below.

RECOMMENDATION(S)

1. **It is recommended that the application is approved, subject to conditions set out in Appendix A and a Section 106 Agreement to secure contributions towards:**
 - (i) **Secondary, Post 16 and Special Education Provision.**
 - (ii) **Contribution to Early Years Childcare**
 - (iii) **Contribution to sustainable transport options and Travel Plan**
 - (iv) **The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs**
 - (v) **Provision of Self/Custom Build Housing, if the reserved matters brings forward 100 dwellings**
 - (vi) **Contribution towards waste services**
 - (vii) **Contribution to library services**
 - (viii) **NHS contribution**

2 Reason for Recommendations

- 2.1 Appendix B below is the Committee report from 19 August 2021 Planning Committee and is included to provide information on the other issues and representations raised in respect of this application other than that described above.
- 2.2 The resolution to defer the application on 19 August 2021 is considered to be addressed and as such the recommendation remains unchanged. The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Asfordby Hill is a 'rural hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'. The access has been deemed acceptable by the Highway Authority.
- 2.3 The recommended conditions are contained with Appendix A.
- 2.4 The proposed development would therefore accord to the relevant policies of the Melton Local Plan.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application relates to an application which was resolved to defer at 19 August 2021 Planning Committee. The application was initially required to be presented to committee due to receiving more than 10 letters of objection contrary to the recommendation.
- 3.1.2 The full committee report is appended to this report.

4 Report Detail

4.1 Use of Crompton Road and Glebe Road

- 4.1.1 The information originally submitted by the applicant has been reviewed in detail and considered by the Local Highways Authority (LHA) who raise no objections to the proposal subject to conditions and contributions to sustainable travel provision. This included a

'Highway Note' which clearly demonstrates that both Glebe Road and Crompton Road can comfortably accommodate the additional vehicle movements proposed.

- 4.1.2 It should be noted that the proposed access roads to the development were revised in January 2021 following a workshop meeting with the Parish Council and Ward Members where queries and concerns were raised regarding the use of Crompton Road and Glebe Road. It was originally proposed for the development to provide a through route where vehicles could travel through the development from both Crompton Road and Glebe Road. However, the amended submission in January removed this link and now the development would be served partly by Crompton Road and partly by Glebe Road.
- 4.1.3 As such, the development would be accessed via Crompton Road and Glebe Road via the access points already constructed to serve the previously approved development for 15 dwellings (reference 15/00201/FUL) and 16 dwellings (reference 17/00821/FUL). Both roads are adopted unclassified roads and subject to a 30mph speed limit and the proposed access to the development would comprise the extensions of the existing highways.
- 4.1.4 Glebe Road is approximately 5.2m in width and Crompton Road approximately 5.5m increasing up to 7.3m.
- 4.1.5 Crompton Road is proposed to continue at a width of 5.5 metres which is considered suitable for the proposed development and the already permitted development. Glebe Road is proposed to continue at a width of 5.2 metres and this is also considered acceptable for the proposed quantum of development plus the already permitted development as well as the constructed 15 dwellings. It should be noted that both points of access are therefore in accordance with Part 3 of the Leicestershire Highway Design Guide.
- 4.1.6 Link capacity assessments was also undertaken for both Glebe Road and Crompton Road. It should be noted that the LHA do not typically request for link capacity assessments to be undertaken, however the applicant has undertaken this work given the nature of the development proposed and the concerns raised.
- 4.1.7 Within these assessments, it is shown that both Glebe Road and Crompton Road have sufficient capacity to accommodate the proposed development even with a significant reduction in link capacity due to parked cars. As such, it has already been assessed that both Glebe Road and Crompton Road can accommodate the proposed and approved developments.
- 4.1.8 The application originally proposed a link created between Glebe Road and Crompton Road through the development. However, it has been determined that such a link would be too steep to comply with the Local Highway Authority's standards. Consequently, the dwellings proposed in the current application would be split with approximately one quarter being accessed from Glebe Road and three quarters from Crompton Road.
- 4.1.9 As such given the detailed assessment undertaken within the submission and by Leicestershire Highways Authority, it is not considered that the development if approved would result in severe highway safety impacts upon existing road network.
- 4.2 Junction Capacity of Crompton Road and A6006**
- 4.2.1 In respect of trip generation from the proposed development, this has also been fully assessed. The results demonstrate that the proposed development is predicted to generate 75 vehicle trips in the AM 1 hour peak and 69 trips in the PM 1 hour peak.

- 4.2.2 Junction capacity assessment was also provided with the submission to assess whether the development would have a significant adverse impact upon the highway network or either the junction of Crompton Road/ Melton Road and the A6006 Welby Road/ Melton Road Roundabout. The permitted development (but not yet built) 16 dwellings was included within the assessment however the already built 15 dwellings was not included within the assessment as is currently constructed and occupied so would be generating traffic within the background traffic counts.
- 4.2.3 The junction capacity assessments were fully reviewed by the LHA and are satisfied that the junction of Crompton Road/ Melton Road junction is capable of operating within capacity both with and without the proposed development.
- 4.2.4 As such given the detailed assessment undertaken within the submission and by Leicestershire Highways Authority, it is not considered that the development, if approved, would result in severe highway safety impacts upon existing road network and specifically the junction of Crompton Road and the A6006.
- 4.3 **Construction Traffic Management**
- 4.3.1 Following the deferral, the applicant has expanded on the concerns raised in respect of Construction Traffic accessing the development.
- 4.3.2 The applicant has stated that the existing built development of 15 dwellings was constructed using Glebe Road which was considered acceptable and proceeded without undue difficulty. Likewise the permitted but not yet built development of 16 dwellings has been given approval for the construction traffic to use Crompton Road to access the site. This was reviewed and considered acceptable by the LHA.
- 4.3.3 As such, it is considered that the proposed Construction Traffic Management (CTM) Plan which has been recommended to be submitted by condition, would achieve and ensure suitable and safe passage of vehicles along the highway.
- 4.3.4 Therefore, it is not considered that the development if approved would result in severe highway safety impacts during construction of the development and that the construction traffic would be able to access the site safely. Indeed Leicestershire Highways Authority advise approval of the application on highway matters subject to conditions.
- 4.4 **Number of dwellings being proposed and development timetable**
- 4.4.1 The two sites are allocated for 40 (ASFH1) and 47 (ASFH2) dwellings each, totalling 87. Planning permission has been granted for 15 and 16 dwellings to date on two parts of ASFH1. This application sought permission for 'up to 100 dwellings' which could result in a total of 131 dwellings across the two sites, but **has now been amended to 'up to 90' in response to concerns raised.**
- 4.4.2 Concern has been expressed that the numbers of units proposed in this scheme would not reflect the estimated capacity of the site as allocated within the Melton Local Plan.
- 4.4.3 However as detailed within the original report, the housing targets for the settlements are not intended as a ceiling and subject to detailed assessments at the planning stage, it may be that a specific site can achieve a number of dwellings that is greater than estimated at Local Plan Stage.
- 4.4.4 Following amendment, the application is "up to" 90 dwellings and therefore this gives flexibility should a certain layout be required at Reserved matters stage, for example in respect of biodiversity which is assessed within the next section.

- 4.4.5 The applicant has also advised that this outline submission assumes the mix of dwellings will be at a smaller end, thus resulting in a higher quantity of dwellings.
- 4.4.6 Appendix 1 of the Local Plan makes it clear that there may be a potential education capacity constraint with this development, however the development of the site for up to 90 dwellings would be considered acceptable given the contributions secured by Section 106 to local infrastructure. Given that the Local Plan is adopted and the site is allocated for development, the benefits that would arise from it should be given significant weight in the determination of the application.
- 4.4.7 The sensitivity of the site to the Scheduled Monument is fully acknowledged and the additional numbers on the site in relation to the estimated capacity have been considered in full within paragraph 4.4 of the original committee report within Appendix B.
- 4.4.8 The site is allocated within the Local Plan, and it is not considered that the number of dwellings would result in the site being inadequately serviced, unsustainable in other respects, result in adverse impacts upon the area, landscape of heritage assets and contributions secured to local infrastructure. As such, it is considered that exceedance of the estimated capacity is acceptable in this site specific instance.
- 4.4.9 'Phase 3' is the area being accessed from Glebe Road and Phase 4 that being accessed from Crompton Road and 'Phase 4' is expected to commence on site in 12-18 months and take 30 months to complete. Phase 3 is expected to commence on site in 12-18 months and take 12 months to complete.

4.5 **Ecological matters and proposed buffers**

- 4.5.1 The application was supported by a series of ecological surveys and Bat Surveys.
- 4.5.2 Concerns were raised in respect of the required buffers and whether the development was able to achieve the development whilst incorporating the associated buffers.
- 4.5.3 The applicant has, since the application's deferral from Committee, provided a masterplan to show the buffer and how it might incorporate the 90 houses now proposed, as shown below. It should be noted that layout is not for consideration at this stage and the plan is only indicative.



- 4.5.4 As detailed above, it is indicated that an appropriate buffer can be accommodated whilst still providing the revised number of dwellings proposed (90). However, Members should note that this may indeed change during detailed design works and considerations and as the development is for “up to 90” dwellings the total number of dwellings coming forward on the site at reserved matters stage may be less than 90 as a result.
- 4.5.5 A number of conditions are proposed to secure the associated buffers at reserved matters stage and as stated above, should the requirement to secure these buffers result in a reduction of dwellings, then the applicant has the ability to do this at the reserved matters stage.
- 4.5.6 Given the layout is not for consideration as part of this outline application, it is considered that the development at reserved matters stage would be able to achieve the associated biodiversity measures and buffers as required and this is secured by conditions accordingly.

5 Consultation & Feedback

- 5.1 Since the publication of the 19 August Planning Committee, an additional letter of objection has been received raising the following concerns –
- Overlooking concerns to existing properties due to the change of land levels between the existing dwellings and the application site.
 - If the houses surrounding the existing properties were to be restricted to bungalows, it would allow more privacy.

6 Financial Implications

6.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 No specific issues are identified. The application is being considered by the Committee and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell

8 Background Papers

8.1 15/00201/FUL - Construction of 15 dwellings and associated road – Permitted 3rd November 2016

8.2 17/00821/FUL - Erection of 16 dwellings. – Permitted 2nd November 2018

9 Appendices

9.1 Appendix A – Recommended Planning Conditions

9.2 Appendix B – 19th August Committee Report

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Appendix A : Recommended Conditions and Reason

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.

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

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

RDC1140-102A Location Plan
received by the Local Planning Authority on 29 January 2021

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

5. 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.

6. 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.

7. 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.

8. 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 5cms or more shall be left unsevered.

Reason: In the interests of visual amenity in accordance with Policy D1 of the Melton Local Plan.

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number RDC 1140 - 105 Rev B received by the Local Planning Authority on 29th January 2021 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 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 accordance with Policies D1 and IN2 of the Melton Local Plan.

11. No part of the development hereby permitted shall be first occupied until an amended Full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning

Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policies EN8 and EN9 of the Melton Local Plan.

12. The following ecological and biodiversity considerations must be submitted to the Local Planning Authority in support of the first reserved matters application:

- an updated badger survey;
- a report detailing an inspection of the existing building on site for bats;
- detailed Bat Mitigation Plan including specific timings of works, buffer distances, lighting recommendations, ecological supervision and monitoring surveys;
- biodiversity net-gain calculation and proposal;
- an appropriate buffer for the existing bat hibernation roost detailed within the layout
- protection of retained existing hedges through provisions of 5-10m buffer zones of semi-natural vegetation along all 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 .

13. Any amendments to layout approved under condition 2 must retain a minimum of a 5-10m 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 .

14. The development shall be carried out in full accordance with the mitigation measures contained within Sections 4.2.3 to 4.2.7 (inclusive) of the Bat Hibernation Survey (Harris Lamb, 11 January 2021) received by the Local Planning Authority on 29th January 2021.

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.

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.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policies EN11 and En 12 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.

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 Policies 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.

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 Policies 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 (or suitable evidence to preclude testing) 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.

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 Policies EN11 and EN12 of the Melton Local Plan.

19. No development shall take place until a phase 2 site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority and the investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

21. Upon completion of the remediation detailed in the Method Statement approved by condition 20, a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

22. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to and approved in writing by the Local Planning Authority. Only the soil approved in writing by the Local Planning Authority shall be 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 174, 183 and 184 of the National Planning Policy Framework.

23. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

24. 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.

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



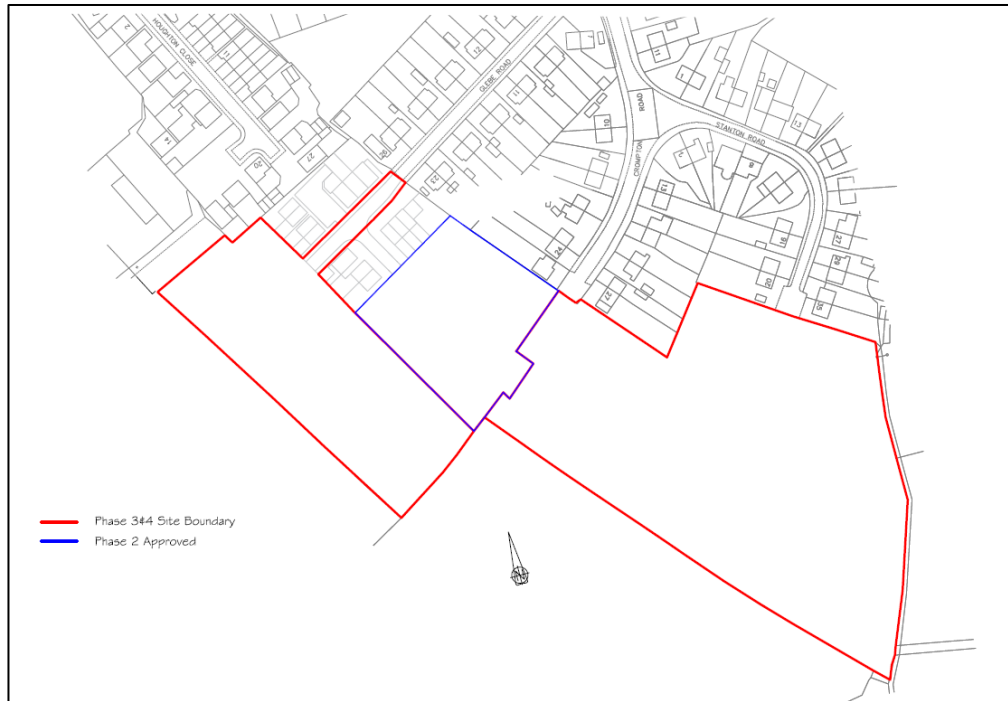
20/00470/OUT Land Adj Crompton Road, Asfordby Hill

Applicant: Talavera Estates Limited

Proposal: Outline planning application for the erection of up to 100 dwellings with all matters reserved other than means of access

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Clrs S Carter (Asfordby) and R de Burle (Asfordby)
Date of consultation with Ward Member(s):	10 February 2021
Exempt Information:	No

1 Summary



- 1.1 The application seeks outline planning consent for the erection of up to 100 dwellings will all matters reserved except for access.
- 1.2 The site measures approximately 2.6 Hectares and currently comprises agricultural land adjoining the south west of Asfordby Hill. The site is split in two with one access proposed through Glebe Road and one through Crompton Road..
- 1.3 An indicative site layout plan has been provided to indicate how the site could accommodate 100 dwellings, however the layout and scale of these properties as shown on the site plan is not for consideration.
- 1.4 The application site is surrounded by existing residential properties to the north and north east with open countryside to the west and south.
- 1.5 The nearest listed buildings to the site are the Grade I Church of St Peter located nearly 900 metres to the south west of the site. The Kirby Bellars Priory Scheduled Monument lies just over 600 metres to the south west.
- 1.6 The application site is allocated for housing within the Melton Local Plan (ASFH1 and ASFH2). Part of ASFH1 has already had planning permission granted for 15 dwellings (already built) and 16 dwellings. The site also sits within the designated Area of Separation between Asfordby Hill/Valley and Kirby Bellars.
- 1.7 The application was revised during the course of the application to remove the link road which was proposed between the sites and to update the description of development to be 'up to 100' dwellings.
- 1.8 A number of supporting statements and documents have been submitted in support of the application, including
 - Planning Statement
 - Flood Risk Assessment
 - Preliminary Ecology Report
 - Bat Hibernation Survey

- Transport Assessment
- Travel Plan
- Phase 1 Contamination Report
- Heritage Statement
- Archaeological Evaluation Report

RECOMMENDATION(S)

1. It is recommended that the Planning application is APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:

- (i) Secondary, Post 16 and Special Education Provision.
 - (ii) Contribution to Early Years Childcare
 - (iii) Contribution to sustainable transport options and Travel Plan.
 - (iv) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs.
 - (v) Provision of Self/Custom Build Housing, if the reserved matters brings forward 100 dwellings
 - (vi) Contribution towards waste services.
 - (vii) Contribution to library services
 - (viii) NHS contribution
- (sums as set out in para. 4.2.13 below).

2 Reason for Recommendations

- 2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Asfordby Hill is a 'rural hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 2.2 The site is identified for housing purposes in the Local Plan across two allocations with an estimated combined number of 87 (ASFH1 – 40 and ASFH2 – 47). Although the proposal would result in the increase in number of dwellings than estimated for the sites, the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded. In addition, the application is for up to 100 dwellings and therefore subject to further consideration at reserved matters, it may be that a scheme is submitted for less than 100 dwellings.
- 2.3 The access has been deemed acceptable by the Highway Authority and there are no objections in principle from the Environment Agency or the Lead Local Flood Authority (subject to conditions). Contributions towards improvements to infrastructure can mitigate the impact of development and affordable housing is proposed.
- 2.4 The proposal is considered to be sympathetic to the setting of heritage assets and whilst there is some 'less than substantial harm' to the setting of the Grade I Listed Church of St Peter and the Kirby Bellars Priory Scheduled Monument, this harm is outweighed by the public benefits of providing dwellings on a site allocated for residential development in the Local Plan, subject to detailed design and further consideration at reserved matters stage. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the

statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation .

3.2 Relevant Policies

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

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

3.2.3 There is no made Neighbourhood Plan for the area.

3.2.4 Please see appendix E for a list of all applicable policies.

3.3 Main Issues

3.3.1 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 heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on contamination
- Impact on flood risk

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site is adjacent to the settlement of Asfordby Hill and policies SS1 and SS2 of the Melton Local Plan Apply.

4.1.2 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. Asfordby Hill is identified in the Local Plan as a Rural Hub. The site is allocated for housing with estimated capacity of 40 'ASFH1' and 47 'ASFH2' dwellings.

4.1.3 Part of ASFH1 has already been granted consent for 15 dwellings and 16 dwellings already. This application seeks consent for up to 100 dwellings which would then total 131 dwellings across the two sites. This is covered in greater detail at paragraphs 4.2.18 – 4.2.26.

4.1.4 Other material considerations are the National Planning Policy Framework (NPPF) and the Planning (Listed Building and Conservation Areas) Act 1990

4.2 Principle of Development

- 4.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Asfordby Hill is identified as a 'Rural Hub' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 4.2.2 The application site is allocated for housing within the Melton Local Plan (ASFH1 & ASFH2) with an estimated capacity of 40 and 47 respectively.
- 4.2.3 This application proposes up to 100 dwellings which would total 131 dwellings on the site overall taking into account the previous permissions.
- 4.2.4 Policy C1 (A) states that
Housing proposals will be supported where they provide:
1. A mix of dwellings in accordance with Policy C2;
 2. Affordable housing in accordance with Policy C4;
 3. The necessary infrastructure required to support development in accordance with Policy IN1; and
 4. High quality design in accordance with Policy D1.
 5. The requirements as set out in Appendix 1 or relevant Neighbourhood Plan.
- 4.2.5 Appendix 1 states the following in relation to ASFH1 & ASFH2
- ASFH1: Further development of site ASFH1 will be supported only when local educational capacity is available, or can be created through developer contributions, to meet the needs of the site, and provided that the proposal is sympathetic to the setting of Kirby Bellars Scheduled Monument.
- Policy ASFH2: Further development of site ASFH1 will only be supported when local educational capacity is available, or can be created through developer contributions, to meet the needs of the site, and provided that the proposal is sympathetic to the setting of Kirby Bellars Scheduled Monument.
- 4.2.6 Taking each point in turn in relation to Policy C1(A) and Appendix 1:
- Housing Mix**
- 4.2.7 Housing mix has not been indicated on the submitted plans however the design and access statement states there will be a range of dwelling sizes from 1 to 4 bedrooms and that they are all traditional 2 storey houses being terraces, semi-detached and detached dwellings with a small number of maisonettes. As the final mix has not been indicated a condition is recommended to ensure that the reserved matters application provides a mix of types and sizes of dwellings that will meet the area's local market housing need at that time.
- 4.2.8 In addition, and to be considered at reserved matters submission, for a large site of 100 homes, at least 20 of these are recommended to be 1 storey to meet the housing needs of the Borough's aging population.
- 4.2.9 Policy C8 (Self Build and Custom Build Housing) requires on developments of 100 dwellings or more, the developers will supply at least 5% of serviced dwelling plots, for

sale, at an appropriate price, to self-builders or custom builders, which will be controlled by a number of factors. This is to be secured through a condition. However this will only be implemented and required should the reserved matters scheme be submitted for 100 or more dwellings.

Affordable Housing

4.2.10 In accordance with Policy C2 of the Local Plan, 25% of the houses are proposed to be affordable. The Housing Policy Officer has recommended the following mix and with a Local Cascade Criteria however the final mix, tenure and house type/size and timing of its provision (in relation to the overall development) is to be secured by Section 106 agreement associated with this decision.

5 x discounted market sale homes (sold at maximum 80% OMV in perpetuity)

5 – 10 x shared ownership homes

10 – 15 x affordable housing for rent homes

4.2.11 The design and location of the affordable housing units would be considered at reserved matters stage to ensure that they would be arranged in appropriately sized clusters and to be 'tenure blind' to be in line with Policy C4 of the Melton Local Plan and the Housing Mix and Affordable Housing SPD.

Infrastructure Implications

4.2.12 It is considered that the development of the site for up to 100 dwellings would be acceptable and in line with the above criteria of Policy C1 (A) and

4.2.13 A Section 106 Agreement secures full contributions relating towards education, childcare, sustainable travel, waste and civic amenities is required as detailed below. These are based on the 'up to' figure of 100 and would need to be expressed as a 'per house' amounts to allow for the eventuality of a lesser quantity.

- NHS, for primary care facilities in Melton Mowbray catchment - £66,243.87
- LCC Education (Secondary, Post 16, Special) - £625,766
- LCC Civic Amenities (Waste) - £8,266
- LCC Early Years (Childcare) - £75,709.50
- LCC Library Services - £3,020
- LCC Highways
 - o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
 - o 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass).
 - o This travel plan will be monitored by LCC officers for the five-year duration of its life. Fees for this service are set at £6,000 for a full travel plan.

- 4.2.14 The above contribution requests have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL). This sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 4.2.15 All the above contribution requests are considered to be directly relatable and necessary to the development given the increase of residents in the area which would result in additional demand for health, education, library, highway and waste services. This impact would be mitigated by the provision of obligations to secure additional facilities/provision and as such the contribution requests are considered necessary and reasonable based on the existing facilities and the level of development being proposed
- 4.2.16 It should be noted that a contribution is not sought within the primary education sector as the site falls within the catchment area of Asfordby Hill Primary School as well as Asfordby Captains Close C of E Primary School and Melton Grove Primary school. There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 28 pupil places and as such an education contribution was not requested for this sector.
- 4.2.17 This would ensure that a financial contribution is sought which would ensure that the impact of the development on local infrastructure can be mitigated in line with Policy C1(A) and Appendix 1.

Housing Numbers

- 4.2.18 The two sites are allocated for 40 (ASFH1) and 47 (ASFH2) dwellings each, totalling 87.
- 4.2.19 Planning permission has been granted for 15 and 16 dwellings to date on two parts of ASFH1.
- 4.2.20 This application seeks permission for 'up to 100 dwellings' which could result in a total of 131 dwellings across the two sites.
- 4.2.21 Concern has been expressed that the numbers of units proposed in this scheme would not reflect the estimated capacity of the site as allocated within the Melton Local Plan.
- 4.2.22 The question of the capacity of individual sites was raised in the Local Plan Examination in February 2018. The Inspector concluded in general terms as follows;
93. The detailed site policies in Appendix A of the Plan are, for the most part, sufficient for their purpose. The Plan should be read as a whole, and planning applications on the sites will be assessed accordingly. Where necessary I have recommended MMs to Appendix A. Also, **the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded.** Rather, they are indicative figures only, based on the best available evidence, including planning permissions as at 31 March 2018 and the ASF3 appeal decision (see paragraphs 100-101 below), and where relevant, they will be tested through detailed planning applications in due course.
95. **The housing targets for the settlements are not intended as a ceiling,** and detailed proposals for both the C1(A) and C1(B) sites will be considered on their merits against the relevant policies.

- 4.2.23 On the basis of the above, subject to an appropriate housing mix, provision of affordable housing and consideration in relation to design, landscape and heritage assets and following detailed assessments at the planning application stage, it may be that a specific site can achieve a number of dwellings that is greater than estimated at Local Plan stage.
- 4.2.24 In addition, the outline application here before is stated as "up to" 100 dwellings. This gives flexibility should a certain layout be required at Reserved Matter stage or other more detailed considerations and on site assessments arise that would require a smaller number of dwellings being proposed.
- 4.2.25 Furthermore, this outline submission assumes the mix of dwellings will be at the smaller end of the scale, which would result in a higher quantity of dwellings being proposed.
- 4.2.26 The site is allocated within the Local Plan, and it is not considered that the increase in the number of dwellings would result in the site being inadequately serviced, unsustainable in other respects, result in adverse impacts upon the area, landscape of heritage assets and contributions secured to local infrastructure. As such, it is considered that exceedance of the estimated capacity is acceptable in this site specific instance.

Kirby Bellars Scheduled Monument

- 4.2.27 The impact on Heritage Assets and specifically Kirby Bellars Scheduled Monument is discussed in detail in paragraph 4.4 of this report but it is concluded that overall and on balance, the benefits of the scheme outweigh that harm. Whilst there is some less than substantial harm to the setting of the Scheduled Monument, it is considered that the public benefits of meeting housing need outweigh the limited harm in accordance with Section 16 of the NPPF. The additional numbers on the site in relation to the estimated capacity have been considered in the previous section and also considered in full in paragraph 4.4 in relation to the impacts upon the Scheduled Monument.
- 4.2.28 Notwithstanding the full assessment below, during the Local Plan Examination, the relationship to the Scheduled Monument was already considered in the Inspector's letter, 'Two allocations (ASFH1 and ASFH2) are proposed in Asfordby Hill, providing for an indicative 87 dwellings. They were not included in the now quashed Neighbourhood Plan but in any event I am satisfied that they are justified. However, MM4 is necessary to insert an additional criterion in both of these policies, in place of the criterion that was wrongly inserted in Policies ASF1 and ASF2, to ensure that the setting of the Kirby Bellars Scheduled Monument is protected.' As such, the following was added to the wording of Policy C1(A) 'and provided that the proposal is sympathetic to the setting of Kirby Bellars Scheduled Monument'.

Conclusion on Principle

- 4.2.29 Given that the Local Plan is adopted and the site is allocated for development, the benefits that would arise from it should be given significant weight in the determination of the application. Appendix 1 makes it clear that there may be a potential education capacity constraint however the development of the site for up to 100 dwellings would be considered acceptable given the contributions secured by Section 106 to local infrastructure.
- 4.2.30 The sensitivity of the site to the Scheduled Monument is fully acknowledged, the heritage issues are not so insurmountable as to prevent its allocation and that development of the application site would be consistent with the spatial strategy, would provide support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and offer significant benefits by

helping to meet housing needs all of which would be considered to outweigh the identified harm to the heritage assets.

4.2.31 The development provides potential for sympathetic design in keeping with the character of the Area, careful landscaping, biodiversity, an acceptable access, contributions towards infrastructure and sustainable drainage opportunities and as such is considered to accord with Policies SS1, SS2, C1(A) and Appendix 1 (ASFH1 & ASFH2) of the Melton Local Plan.

4.3 **Impact upon the character of the area**

4.3.1 Policy D1 of the Local Plan states that all new developments should be of high -quality design. Policy EN1 of the Local Plan aims to ensure new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and requires new developments to respect existing landscape character and features. In order to mitigate potential harm to the built form at the settlement fringe and its relationship to the landscape, proposals should have due regard to design guidance in the individual assessments of settlement fringe sensitivity in the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' or any subsequent evidence document.

4.3.2 Policy EN4 relates to Areas of Separation and new development proposals will be required to:

A. Avoid the coalescence of settlements by maintaining the principle of separation between them;

B. Retain highly tranquil parts of the landscape between settlements; and

C. Safeguard the individual character of settlements.

4.3.3 Within the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' it states that 'there is potential for these hamlets to have well-designed development with sensitive landscape edges to perceptibly enhance the sense of separation and setting. Development should not extend too far south into the more intact and historic landscape beyond.'

4.3.4 The site is located within Landscape Character Zone 2 (Asfordby Hill South) where the overall landscape sensitivity of this LCZ in relation to the settlement edge, to residential development is judged to be medium. Landscape guidance in relation to development is set out here –

Due to the relative visual prominence and elevation of the settlement edge, development on the southern edge of the settlement should be of an appropriate scale and form, and sensitively designed in order to maintain the perception of openness of the valley landscape;

There is opportunity to improve the existing settlement edge and better integrate it into the landscape, which should form part of any proposals;

The indented form of the settlement edge and associated adjacent landscape structure, create the potential for discreet, pockets of two storey development, with reinforcement and enhancement of the existing settlement edge vegetation to secure greater connectivity between built areas and a stronger relationship with the encompassing landscape;

□ The surrounding landscape is well-treed, with vegetated settlement edges. With this in mind, proposals as part of any development brought forward in this LCZ should incorporate a robust landscape strategy that improves the relationship of this settlement edge with the valley landscape.

- 4.3.5 The application site is not public open space nor is it identified as important green space and is allocated for housing within the Local Plan. As such, there are no 'in principle' issues resulting from its loss as agricultural land.
- 4.3.6 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 opportunity for the retention of the hedges and trees, together with enhancement of planting and open areas.
- 4.3.7 Appropriate development offsets along boundaries and additional tree planting with the retained vegetation will screen and filter views and break up the urban edge to help soften the impact of the proposed development on the wider landscape character and integrate it into the existing settlement edge and valley to the south. This would ensure that a softer relationship to the wider countryside could be achieved, which would be considered an improvement on the current 'harsh' settlement edge currently present from the existing dwellings.
- 4.3.8 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 southern edge of the village and the development of the site would alter its character.
- 4.3.9 However, subject to detailed consideration at reserved matters stage, with significant and appropriate landscaping, the development of the site could be achieved so as to integrate successfully into this edge of village location so as not to disrupt the pattern and form of Asfordby Hill. A well-designed development with sensitive landscape edges could be achieved to ensure the development accords with Policies EN4 and EN6 of the Melton Local Plan and the landscape guidance in respect of providing a scheme that would not be considered to harm the character of the area on this edge of village site.
- 4.3.10 Overall, subject to further detailed consideration at reserved matters stage, the proposals are considered to be acceptable on the grounds of impacts upon the character of the area and complies with the above policies.

4.4 **Impact upon heritage assets**

- 4.4.1 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.
- 4.4.2 In addition, Paragraph 197 of the NPPF states that in determining applications, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.4.3 Paragraph 199 of the NPPF requires that:

When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

4.4.4 Paragraph 200 of the NPPF advises that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

4.4.5 Paragraph 202 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.4.6 There is no conservation area in Asfordby Hill or Asfordby Valley and the Conservation Area in Asfordby would be of a significant distance that it would not be impacted by the proposal.

4.4.7 The application site however lies to the north and northeast of Kirby Bellars Priory scheduled monument, the grade I listed Church of St Peter, and the Kirby Bellars medieval moat, fishponds and 17th century garden scheduled monument and as such the weight given to its conservation is clearly considerable. These sites are situated along the Wreake river valley and their settings include expansive views across the river and over the open countryside to the higher ground around Asfordby Hill. These views form part of the historic landscape context of these sites. They are a positive part of their settings and contribute to our understanding of these sites and their significance. Inappropriate development within that setting could have negative effect, eroding the positive historic landscape and visually intruding or juxtaposing into the way these nationally important historic sites are experienced.

4.4.8 Historic England highlighted within their Local Plan consultation that potential visual intrusion would require particular attention to layout, design and detailing of the allocation site to ensure the heritage assets would be conserved and enhanced.

4.4.9 A Heritage Statement was submitted in support of the application which describes the application site's contribution to the settings and significance of the identified heritage assets and also considered the surrounding landscape. The submitted statement also provides a thorough assessment of the nearby designated heritage assets and the impact of the proposed development. The statement concluded that:

- 'There would also be a degree of harm to designated heritage assets, in terms of an effect on their settings. Following construction of the proposed development, the

overall impact is considered to be less than substantial harm and would be at the lower end of that scale.’

4.4.10 Historic England have reviewed the application and the submitted Heritage Statement/Assessment and comment as follows –

- We note the Heritage Statement’s conclusions with regards the distance of the application site, the likely perceived scale of development, and how it would be experienced against the backdrop of the existing housing on Asfordby Hill.
- We remain of the view that the development of this site would have some negative impact upon settings, and a degree of harm to the significance of the designated heritage. However we are satisfied that the level of harm is likely to be low.
- We have no objections to the application in principle. There are still opportunities to further minimise the impact on setting. We would encourage you to consider where vegetation / boundary treatment could help soften visual impact, and better blend the development into the surrounding historic landscape.

4.4.11 The response from Historic England (HE) identifies that the current application would result in harm albeit on the lower level of harm. Nevertheless this harm still requires to be weighed against the public benefits in line with Paragraph 202 of the NPPF.

4.4.12 The current application is an outline application where details of the layout, scale and external appearance of the dwellings will be considered at the reserved matters stage as well as landscaping. In line with Historic England’s comments, there will be opportunities to minimise the impact on the setting of the heritage assets at reserved matters stage.

4.4.13 Overall, it is considered that a degree of "less than substantial harm" (in NPPF terms) identified would be outweighed by the public benefits of providing a scheme that would provide; a policy compliant level of affordable housing provision, a suitable housing mix, a development consistent with the spatial strategy, support for the maintenance and enhancement of local services and contribute to the choice of a range of housing sites in sustainable locations in the Borough.

In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset's conservation, it can be concluded that there would be less than substantial harm in this instance and the benefits of bringing forward a site allocated for residential development in the Local Plan, would outweigh this identified harm to the associated heritage assets. Therefore, the development of the application site as proposed accords with Policy EN13 and C1(A) and Appendix 1 of the Local Plan and section 16 of the NPPF.

4.5 **Impact upon residential amenities**

4.5.1 The layout of the proposed dwellings is indicative.

4.5.2 The application site is currently undeveloped land adjacent to existing properties on Glebe Road and Crompton Road. Subject to final siting and scale of the proposed dwellings, it is considered that the site could accommodate up to 100 dwellings whilst maintaining adequate residential amenity of neighbouring properties in terms of outlook and privacy and ensuring there would be no adverse overbearing or loss of light impacts.

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

- 4.5.4 The proposed development is adjacent existing residential dwellings. As such construction activities – noise, vibration, dust and artificial light could adversely affect residential amenity. It is therefore recommended that a Constructional Environment Management Plan is to be submitted prior to commencement of development and followed during construction of the development.
- 4.5.5 Overall, it is considered that the proposal would comply with the relevant policies 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.
- 4.6 **Highway Safety**
- 4.6.1 The application is for outline permission however access is to be considered as part of this application. The application has been supported by a Transport Assessment, Travel Plan, and Junction Capacity Assessments for the junction of Crompton Road/Melton Road and also the A6006 Welby Road/Melton Road Roundabout.
- 4.6.2 The information submitted by the applicant has been reviewed in detail and considered by the Local Highways Authority (LHA) who raise no objections to the proposal subject to conditions and contributions to sustainable travel provision.
- 4.6.3 The proposed development will be accessed via Crompton Road and Glebe Road via the access points already constructed to serve the previously approved development for 15 dwellings (reference 15/00201/FUL) and 16 dwellings (reference 17/00821/FUL). Both roads are adopted unclassified roads and subject to a 30mph speed limit and the proposed access to the development would both comprise the extensions of the existing highways.
- 4.6.4 Glebe Road is approximately 5.2m in width and Crompton Road approximately 5.5m increasing up to 7.3 m. The access arrangements show a 5.5m continuation of Crompton Road which is considered suitable for the proposed quantum of development plus the already permitted development. Glebe Road already serves existing residential dwellings as well as the constructed 15 dwellings and is 5.2m in width which is also considered appropriate for the dwellings it will serve. Both points of access are therefore in accordance with Part 3 of the Leicestershire Highway Design Guide.
- 4.6.5 The LHA do not have pre-existing concerns regarding highway safety in the vicinity and do not consider that the proposed development should exacerbate any patterns of Personal Injury Collisions.
- 4.6.6 Trip generation from the proposed development has also been assessed and the results demonstrate that the proposed development is predicted to generate 75 vehicle trips in the AM peak and 69 trips in the PM peak. Due to the significant generation of trips proposed, junction capacity assessments were undertaken by the applicant in order to assess whether the development would have a significant adverse impact on the highway network. The permitted but not yet built 16 dwellings was included within the assessment as expected trips however the already built 15 dwellings was not as is currently constructed and occupied so would be generating traffic within the background traffic counts.
- 4.6.7 As stated above, junction capacity assessments were undertaken on the Crompton Road/Melton Road junction and the A6006 Welby Road/ Melton Road Roundabout. The LHA have reviewed and verified the modelling files submitted and both junctions are proposed to operate within capacity both with and without the proposed development.

- 4.6.8 A Travel Plan has been submitted which proposes a number of recommendations which would promote sustainable transport options such as Cycling, Walking and Car Sharing.
- 4.6.9 In addition to this, it is recommended to condition that electric vehicle charging points are provided for each dwelling. Prior to the first occupation of each dwelling, an electric vehicle charging point shall be provided for each dwelling in accordance with details to be provided as part of the layout of the site. The approved charging points shall be provided prior to the first occupation of the dwelling to which they relate and shall be maintained as such for the life of the development.
- 4.6.10 Whilst layout is a reserved matter, sufficient off street parking could be contained within the site to cater for the development.
- 4.6.11 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.
- 4.6.12 As such, the development is considered to be in accordance with the relevant policies of the Melton Local Plan in respect of highway safety and parking.

4.7 Ecology

- 4.7.1 The application has been supported by a series of ecological surveys and Bat Surveys.
- 4.7.2 No objections are raised in principle with this proposal as the land is in recent arable use and therefore of low biodiversity value.
- 4.7.3 LCC Ecology have raised concerns regarding the indicative layout and consider the submitted plan to be unacceptable. However as layout is not for consideration as part of this outline application, the layout submitted at reserved matters can ensure that appropriate buffers are retained to all retained boundary hedges including the hedge along the eastern edge which is the Parish Boundary and this can be conditioned accordingly.
- 4.7.4 In addition, for the reserved matters application, an updated badger survey and inspection of the building for bats will be required, plus a biodiversity net-gain calculation (through completion of an appropriate metric) and proposal and this again is recommended to be conditioned.
- 4.7.5 The development shows low risk to amphibian protected species, and no further surveys for great crested newts are needed.
- 4.7.6 There is a small bunker building on site which may have potential for roosting and suitable for hibernating bats. The bat hibernation survey (in December 2020) recorded two bats hibernating within the onsite bunker, confirming this structure to be a hibernation roost. An updated Bat Hibernation Report (in February 2021) recorded no further visual observations of bats, but did record static detector recordings of brown long eared and unknown bat calls. As such, the mitigation measures put forward in the Bat Hibernation Report would be acceptable and this is to be secured by condition although detailed here:
- The bunker must be retained and safeguarded during the construction and operational phases of the development, including an exclusion buffer, specific timings of works and ecological supervision of nearby works.
 - The woodland copse adjacent to the bunker and connecting hedgerow must also be safeguarded as these habitats are integral to the functioning of the roost site, including an appropriate buffer zone. Should the scheme require the alteration or removal of any of these features, further monitoring surveys will be required in the

appropriate time of year, note that the results of these would be required before permission can be given.

- The scheme must be subject to a bat lighting mitigation plan.
- Monitoring hibernation surveys should be carried out at the appropriate time of year.

4.7.7 In addition, a detailed Bat Mitigation Plan is to be conditioned to be provided with the first Reserved Matters application.

4.7.8 As such it is not considered that the development would result in significant adverse impacts in respect of ecology or biodiversity, subject to conditions and a significant level of information being provided at Reserved Matters Stage and a suitable layout being proposed.

4.8 **Archaeology**

4.8.1 The application site lies within an area which has had very little archaeological investigation therefore the archaeological potential is completely unknown. Within the wider area there is medieval and post-medieval settlement and activity such as the village of Asfordby, the scheduled monument of a priory established in 1316 (MLE3752) and post-medieval railway line.

4.8.2 As such an archaeological evaluation report was submitted following a geophysical survey and trial trenching.

4.8.3 The results of the trial trenching indicate that the proposed development area is of negligible archaeological interest and the impact of the proposed development will similarly be negligible. As such no concern is raised in respect of archaeological matters.

4.9 **Contamination**

4.9.1 Agricultural land can be associated with a number of polluting activities and as such a Phase 1 Contamination Report has been submitted to and assessed by the Environmental Health Officer and given the result, a phase 2 contaminated land survey is required to characterise land conditions. The phase 2 report can be conditioned to be submitted prior to commencement of development, as well as a remediation method statement and subsequent validation works dependent on the findings of the Phase 2 survey.

4.9.2 As such, no concerns are raised on grounds of contamination.

4.10 **Flood Risk/Drainage**

4.10.1 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.

4.10.2 It is proposed to discharge surface water drainage via two attenuation ponds into an ordinary watercourse at greenfield runoff rates. One of these ponds is existing and is to be reconstructed to provide additional volume for additional flows.

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

4.10.4 As such, no concern is raised regarding drainage impacts resulting from the development, subject to conditions.

5 Consultation & Feedback

- 5.1 A number of site notices were posted at the site, a press notice was also posted and neighbouring properties consulted.
- 5.2 During the course of the application, an amended plan was received and description updated following which a full re-consultation was undertaken.
- 5.3 Overall, following the initial and revised consultation, 44 letters of objection were received.

6 Financial Implications

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

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.2 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 15/00201/FUL - Construction of 15 dwellings and associated road – Permitted 3rd November 2016
- 8.2 17/00821/FUL - Erection of 16 dwellings. – Permitted 2nd November 2018

9 Appendices

Appendix A: Summary of Statutory Consultation Responses

Appendix B: Summary of Representation Received

Appendix C: Recommended Planning Condition

Appendix D: Informative

Appendix E: List of Applicable Development Plan Policies

Appendix F: Site Photographs

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Appendix A : Consultation replies summary

Parish Council:

No formal comments received however workshop undertaken with Parish Council on which following applicant provided amended and additional information as a result of the queries raised.

Ward Member Councillor de Burle:

Regarding the outline planning application for the erection of 100 dwellings with all Matters reserved other than means of access.

I strongly object to the proposed outline planning application and request that the Application is refused on the following grounds.

1. That the two roads identified within the plans as service roads for the proposed development (Crompton, and Glebe) are inadequate because of both, width and structure to safely serve, the expected number of additional vehicles that this development will bring to the community. As evidenced by Leicestershire County Council highways recent refusal to allow a similar width of lands joining Regency Road and the bypass development to be used for domestic passage of vehicles.

Additionally that the nature and design of the existing properties on Crompton, and Glebe roads makes it necessary for home owners living there (many of whom have young children), to park vehicles on the roadway, currently a cul-de-sac. A change to through traffic status on either road will undoubtedly create a serious and unacceptable danger to those residents and their children.

2. That the access junction of Crompton Road and the very busy A6006 (main access route from Melton to the soon to be upgraded A46 north and south trunk road) is totally inadequate now.

Situated as it is, close to the only child and parent road crossing point, from the school drop off car park, and playing field (situated on the opposite side of the road) to the school entrance. As evidenced by the long delays to residents, when exiting towards the main service Hub (shopping, doctors surgeries, dentists & higher schools,) in Melton Mowbray. Caused by the volume at peak times of backed up heavy goods and commuter vehicles on the main road.

3. That the total number properties being proposed in this application for ASFH 1 and ASFH 2 greatly exceed the 87 which were consulted on, and approved within the Melton Local Plan (MLP) for the period up to the year 2036.

Also that the MLP stipulates that no further development should take place until the school capacity is increased sufficient to meet the needs of the community.

Ward Councillor Carter:

No comments received.

Environment Agency:

Do not wish to offer formal comments.

Historic England:

No objection in principle.

Housing Policy Officer:

Melton Local Plan Policy C2: Housing Mix

The planning statement says that “an indicative masterplan has been prepared to show how this site could be delivered and that the masterplan includes 100 dwellings, which are made up from a mixture of maisonettes, terraces, semi-detached and detached dwelling”. However, this masterplan is not on the file to refer to and so at present I cannot comment on this.

The design and access statement states that “the scheme offers a spread of family accommodation from 1 bedroom to 4 bedroom dwellings and will be for private and affordable housing”. The file documents do not include a site or masterplan and so I am not able to comment on the proposed scheme in terms of the number of each size of property. The housing mix in terms of size of homes based on the number of bedrooms will need to align with table 8 of the Local Plan to be policy compliant with policy C2.

All 100 homes are proposed to be 2 storey. For a large site of 100 homes, at least 20 of these are recommended to be 1 storey to meet the housing needs of the Borough’s increasingly aging population for people with mobility problems and other households with mobility problems.

Melton Local Plan Policy C3: National Space Standards and Smaller Dwellings

The proposal does not include information on this and so I am unable to comment on this at present.

Melton Local Plan Policy C4: Affordable Housing

25% affordable housing is proposed in accordance with Policy C4 of the Melton Local Plan with a split of 40% shared ownership and 60% affordable rent. Paragraph 64 of the NPPF states that for sites with 10 or more homes, they are to include at least 10% affordable home ownership homes. It does not state for these to be specifically shared ownership. To align with the definitions of affordable housing in the NPPF glossary and Melton Borough Council Housing Mix and Affordable Housing SPD, I recommend for a broader range of affordable housing tenures. My recommendation on the mix, totalling 25 homes, is:

- 5 x discounted market sale homes
- 5 – 10 x shared ownership homes
- 10 – 15 x affordable housing for rent homes

Affordable housing registered providers are more attracted to the purchase of homes on a site where there is a minimum of 20 homes, of which there is a minimum of 5 shared ownership homes. The wording in the s.106 agreement will need to be worded which allows for this flexibility in the tenure.

The Discounted Market Sale Homes, if approved, would need to be sold at a maximum of 80% OMV, in accordance with Appendix 7 of the Melton Borough Council Housing Mix and Affordable Housing SPD for this ward area and a covenant

to the deeds of each of these properties will need to be appended to ensure this discount is applied to all future purchasers to keep the properties affordable in perpetuity. The discounted market sale homes would be marketed and sold in a similar way to the open market homes and are unlikely to be bought by a registered provider, as most do not offer them as an affordable product.

The proposed design for the affordable housing is to be tenure blind in the same materials as the market housing. This is supported.

The design and access statement says that the affordable housing is to be arranged in appropriately sized clusters. However, it does not state the number of homes that will be in each cluster. I recommend for them to be in approximately no more than 6 homes of any one tenure.

I recommend for a local connection cascade is applied (by being written into the s.106 agreement) to the affordable homes so that they can be allocated to households with a local connection (which is determined via residence; family or employment) as a priority and then cascade to other households. The local connection cascade is attached to the email. The S.106 agreement needs to include a local connection requirement for the households purchasing the Discounted Market Sale homes as well but for this site, the requirement only needs to be that the household has a local connection (via residence; family or employment) to the Borough of Melton.

LCC Archaeology:

No objection.

LCC Lead Local Flood Authority:

No objection subject to conditions.

LCC Highways:

No objection subject to conditions and contribution requests.

LCC Developer Contributions Education:

Contribution Requests to Education (Secondary, Post 16, Special), Civic Amenities (Waste), Early Years (Childcare), Library Services.

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 £66,243.87

LCC Ecologist:

No objection subject to conditions.

MBC Environmental Health:

No objection subject to conditions.

Appendix B : Summary of representations received

Neighbours:

44 letters of objections have been received from local residents on the following grounds:

- Additional number of dwellings compared to allocation in the Local Plan
- Junction of Crompton Road and A6006 unsuitable
- Increase in traffic and associated highway and pedestrian safety impacts
- Lack of amenities/facilities in the vicinity
- Lack of educational facilities in the vicinity
- Loss of views
- Lack of design or integration into the surroundings
- Access to the public footpaths may be impeded
- Potential impact upon biodiversity and loss of vegetation/wildlife
- Two roads serving the development are unsuitable in width and structure
- Outside the village envelope
- WW2 bunker on the site with historic and wildlife features
- Overlooking, overbearing and loss of light impacts to existing properties
- Adversely impact the character and appearance of the area and wider area
- Bungalows should be proposed
- Existing drainage problems will be exacerbated
- Scale and appearance of the houses unsuitable
- Extending the built form of the village into the countryside
- Impact upon the Scheduled Monument
- Impact upon the green corridor
- No sport provision nearby
- Other developments already been completed in the vicinity, no need for this
- Adverse impact to adjacent properties during construction from noise and safety
- Impact resulting from a poor urban fringe
- Inaccuracies within the Design and Access Statement
- Impact upon the dark skies from additional lighting
- Threaten the viability of adjacent businesses
- Development on a greenfield site
- Indicative layout unsuitable

Appendix C: Recommended Conditions and 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.

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

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

RDC1140-102A Location Plan
received by the Local Planning Authority on 29 January 2021

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

5. 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.

6. 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.

7. 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.

8. 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 Policy D1 of the Melton Local Plan.

9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number RDC 1140 - 105 Rev B received by the Local Planning Authority on 29th January 2021 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 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 accordance with Policies D1 and IN2 of the Melton Local Plan.

11. No part of the development hereby permitted shall be first occupied until an amended Full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policies EN8 and EN9 of the Melton Local Plan.

12. The following ecological and biodiversity considerations must be submitted to the Local Planning Authority in support of the first reserved matters application:

- an updated badger survey;
- a report detailing an inspection of the existing building on site for bats;
- detailed Bat Mitigation Plan including specific timings of works, buffer distances, lighting recommendations, ecological supervision and monitoring surveys;
- biodiversity net-gain calculation and proposal;
- an appropriate buffer for the existing bat hibernation roost detailed within the layout
- protection of retained existing hedges through provisions of 5-10m buffer zones of semi-natural vegetation along all 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.

13. Any amendments to layout approved under condition 2 must retain a minimum of a 5-10m 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.

14. The development shall be carried out in full accordance with the mitigation measures contained within Sections 4.2.3 to 4.2.7 (inclusive) of the Bat Hibernation Survey (Harris Lamb, 11 January 2021) received by the Local Planning Authority on 29th January 2021.

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.

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.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policies 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.

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 Policies 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.

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 Policies 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 (or suitable evidence to preclude testing) 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.

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 Policies EN11 and EN12 of the Melton Local Plan.

19. No development shall take place until a phase 2 site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority and the investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

21. Upon completion of the remediation detailed in the Method Statement approved by condition 20, a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

22. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme. The results shall be submitted to and approved in writing by the Local Planning Authority. Only the soil approved in writing by the Local Planning Authority shall be 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 174, 183 and 184 of the National Planning Policy Framework.

23. 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 174, 183 and 184 of the National Planning Policy Framework.

24. 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.

Reason: To secure the satisfactory development of the site and comply with Policy D1 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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

3. The applicant should be advised to contact Leicestershire County Council's Network Management Team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
4. The drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

5. 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.
6. 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.
7. 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.

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 C4 Affordable Housing Provision
- Policy C9 Healthier Communities
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN4 Areas of Separation

- 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

Other

- National Planning Policy Framework (2021)
- Affordable Housing and Housing Mix SPD (July 2019)

Appendix F : Site Photographs

