



# Planning Committee

17 August 2023

Report of: Assistant Director for Planning

## Reference number 23/00382/VAC

**Proposal - Variation of Condition 1 (approved documents) of approval 20/00438/REM dated 15/04/2020 (Reserved matters of Layout, Scale, Appearance and Landscaping of 30 dwellings in association with outline approval 15/00537/OUT) to amend site layout due to requirement to relocate road to align with existing farmer's right of access. (Site Layout Plan 15/50/14H to be replaced with Site Layout Plan 15/50/14m, Landscape Master Plan EML SH 1100 01 Rev D to be replaced with EML SH 1100 01 - PL2 - Landscaping Master Plan 2046-101-P1 and Drainage Strategy to be replaced with 82046-101-P3).**

**Address - Former Site of Sandy Lane Poultry Farm, Sandy Lane, Melton Mowbray**

**Applicant – Springbourne Homes Ltd**

**Planning Officer – Richard Redford**

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr R Child
<b>Date of consultation with Ward Member(s):</b>	27 April 2023
<b>Exempt Information:</b>	No

**Reason for committee determination:** Cllr Child has requested the application be considered and determined by the Planning Committee on the grounds of local interest.

**Web Link:**

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RTF8JTKOFXC00>

**What 3 words:**

<https://what3words.com/blueberry.stove.richest>

RECOMMENDATION(S)
1. Approval subject to Planning Conditions detailed in Section 11

**1 Executive Summary**

- 1.1 The proposal seeks to amend the layout and landscaping of an approved development for 30 dwellings on this former poultry farm site. The changes are proposed in order to ensure that a farmer’s right of way / access across the site is maintained. The changes comprise the removal of 1 pond from the 3 approved, the re-configuration of the internal roads and re-siting of the dwellings within the site, re-location of the Nissen hut within the site and changes to the landscaping along the sites south eastern boundary.
- 1.2 The provisions of the Section 106 agreement remain unaffected by the proposal as do the design, scale, appearance and parking provision of the dwellings. These elements are not being considered as there are no changes being made to them.
- 1.3 Through the changes made, the right of way / access will be able to be used while the maintaining parking levels alongside continued good levels of amenity. The landscaping along the site’s south eastern boundary will be slightly lower than that previously approved, however it will still afford good levels of native planting on the development, as a whole positively contributing to the rural location as well as the design and layout of the development.
- 1.4 The site is situated adjacent to a Scheduled Ancient Monument, the changes will make less than substantial impacts on the Monument ensuring no unacceptable impacts on the heritage assets that would justify a refusal.
- 1.5 Overall, the proposal complies with the NPPF as well as policies in both the Melton Local Plan and Burton and Dalby Neighbourhood Plan. The application is recommended for approval subject to conditions.
- 1.6 Neither the discharge of conditions (ref 23/00059/DIS) submission nor the discharge of Section 106 requirements relating to the Nissen Huts are being considered within this report or at this Planning Committee.

**Main Report**

**2 The Site**

- 2.1 The site is located in the open countryside and formerly occupied by poultry buildings as well as Nissen huts, but all buildings and structures have now been demolished. Access to and from the site is via Sandy Lane with the access road and site having established planting along the boundary. Surrounding the site are agricultural fields. Ground levels rise from Sandy Lane along the access road into the site.

- 2.2 Within the site there is a pond area where protected species are known to inhabit. Furthermore, there are known badger sets in and around the site as well. There is a Scheduled Ancient Monument (SAM) outside of but in close proximity to the east of the site.
- 2.3 A right of way exists across the site for an adjacent land owner in connection with their farming operations. This current application, which seeks to vary the approved plans is as a direct result of this right of way.
- 2.4 The demolition of the buildings on the site was undertaken on the grounds of health and safety due to a combination of continued acts of vandalism by third parties. Despite the applicant's efforts to prevent it, as the buildings were constructed of materials which included asbestos, they continued to break up through vandalism which posed a danger. Given the inclusion of 'refurbishment' in the description of the outline approval, their removal is unfortunate but does not affect the nature of the approved development.

### **3 Planning History**

- 3.1 23/00059/DIS - Discharge of conditions 3 (Materials), 4 (Landscape Management Plan), 5 (Environmental Report), 6 (Written Scheme of Remediation), 9 (Written Scheme of Investigation), 12 (Hard and Soft Landscape Detail), 14 (Surface Water Drainage), 15 (Revised Discharge and Storage Calculations), 16 (Sandy Lane Improvements), 17 (Sandy Lane Junction Sight Lines) and 18 (Access Scheme) of planning approval 15/00537/OUT dated 19 April 2017 – under consideration
- 3.2 Discharge of Section 106 requirement relating to the Nissen Hut Interpretive Centre – under consideration
- 3.3 20/00438/REM - Reserved matters of Layout, Scale, Appearance and Landscaping of 30 dwellings in association with outline approval 15/00537/OUT – Approved 14 December 2022
- 3.4 15/00537/OUT - Demolition of existing structures and redevelopment of the site to create 30 dwellings (Use Class C3) including the refurbishment of an existing Nissen Hut to create a community space (Use Class D1) space for biomass boiler and associated open space, landscaping, drainage infrastructure and highways improvements – Approved subject to a Section 106 Agreement – 19 May 2017
- 3.5 15/00410/EIA - Residential development of up to 30 homes and associated environmental improvements – Not required – 16 June 2015
- 3.6 14/00441/FUL - Development of a poultry farm (agricultural use) comprising seven poultry sheds, one farm worker dwelling and associated landscaping, drainage infrastructure and highways improvements – Allowed at appeal – 19 February 2016.

### **4 Proposal**

- 4.1 The application seeks the variation of Condition 1 attached to planning approval 20/00438/REM that related to the reserved matters of layout, scale, appearance and landscaping of 30 dwellings and that was approved 14 December 2022. Condition 1 of the approval specifically sets out the drawings and documents to which the reserved matters approval relates and is to be carried out in accordance with.
- 4.2 The proposal seeks to amend the approved site layout in response to the farmer's right of way across the site. In order to ensure the farmer's right of way remains in its current location, the site layout plan as well as the landscaping plans are sought to be changed as a result of an existing right of way over the site to fields adjacent to the application site.

4.3 The access arrangements into and out of the site are as approved with the changes comprising the location of the dwellings and ponds along with the removal of 1 pond at the site entrance, parking, internal roads and landscaping are proposed to be amended as part of the proposal. The changes comprise the following;

- a) The main internal road re-positioned to follow the line of the right of way through the site and 3 off-shoot roads positioned off it;
- b) The removal of 1 pond (of 2) where the access road opens up into the site;
- c) Plots 1 - 6 moved west toward the site entrance with plots 7 and 8 re-positioned to the eastern end of plots 1 to 6;
- d) Plots 9 and 10 moved north with plots 11 and 12 re-positioned to the south of 11 and 12 and plot 13 re-positioned to the west of and on the opposite side of the road to plots 11 and 12;
- e) The remaining 16 plots re-positioned further towards the site's south western boundary either side of a re-positioned internal road;
- f) The location of the Nissen hut interpretive centre moved north-east of its approved location; and
- g) The landscaping along the site's south eastern boundary has been reduced slightly from that previously approved in order to ensure the right of way is capable of being provided in its current location.

4.4 All other matters relating to the development including housing designs and mix, parking provision etc are as per the approved reserved matters.

4.5 As set out in para 1.6, the Section 106 agreement associated with this site and development is not being changed as a result of this variation of condition and the requirements of it. This includes the discharge of the obligations therein which will be dealt with through the appropriate means, not within this submission.

## **5 Amendments**

5.1 As the application has progressed an amended site layout plan alongside a refuse tracking plan and plan showing the proposed layout have been provided with the farmers right of access over-laid. The amended plans were received in response to comments by the Highway Authority.

## **6 Planning Policy**

### **National Policy**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- National Design Guide

### **Melton Local Plan**

- Policy SS1 – Presumption in favour of Sustainable Development
- Policy C2 – Housing Mix
- Policy C3 – National Space Standard and Smaller Dwellings
- Policy C4 – Affordable Housing Provisions
- Policy EN1 – Landscaping

- Policy EN2 – Biodiversity and Geodiversity
- Policy EN6 – Settlement Character
- Policy EN9 – Ensuring Energy Efficiency and Low Carbon Development
- Policy EN12 – Sustainable Drainage Systems
- Policy EN13 – Heritage Assets
- Policy IN2 – Transport, Accessibility and Parking
- Policy D1 – Raising the Standard of Design

### **The Burton and Dalby Neighbourhood Plan**

- B&D1 – Landscape Character
- B&D2 – Dark Night Skies
- B&D8 – Ecology and Biodiversity
- B&D12 – Design
- B&D15 – Infrastructure
- B&D18 – Rural Housing
- B&D25 – Water Management

### **Other**

- Design of Development SPD
- Leicestershire Highways Design Guide

## **7 Consultation Responses**

Please note the below are a summary of responses and representations received, to view the full details please follow the web link on the first page.

### **7.1 Summary of Technical Consultation Responses**

- LCC Highways – No objections;  
They do not object to the variation of condition 1 on the grounds that the amended plans received have addressed their concerns. An informative is requested.
- LCC Ecology – Have no comments to make on the application.
- LCC Archaeology – Comment;  
Do not believe the proposal will result in a significant direct or indirect impact on the archaeological interests of any known or potential heritage assets and warrants no further archaeological action.
- Lead Local Flood Authority (LLFA) – Support  
Advise that the submitted documents are sufficient to enable the LLFA to support the proposal.
- Environment Agency – No comments to make on the submission.
- Designing Out Crime Officer – Comment;  
Have no objections to the proposal but seeks to ensure the development meets certain criteria and makes provision for matters dealt with through the Building Regulations legislation to ensure crime prevention and reduction opportunities are catered for in the development.

- Historic England – Have concerns

Historic England (HE) comment that they have concerns regarding the application on heritage grounds. This is due to the increased level of visual intrusion upon the scheduled monument, changes to the approved scheme do not appear to be justified. They consider that the landscape buffer at the application site's eastern edge has been eroded while the feathered out approach in the approved scheme which would have helped address the setting of the scheduled monument has been replaced in the proposed scheme with straight lines of urban form. Further, the new line of the road at the site's south-east corner encroaches into and reduces the buffer to the scheduled monument.

## 7.2 Summary of Representations

### Parish Council

- Given that this is a completely new layout the Parish Council is concerned that this should perhaps be a new full planning application rather than a variation of condition;
- There is now just one retention pond proposed with the Parish being concerned that this is much more engineered than before. The attenuation pond must be of a natural appearance to complement the rural character of the site, and whilst it might provide a drainage solution it will be a less attractive feature in the development and have poorer biodiversity value.
- The site lies in the open countryside so it is important that it does not appear incongruous in the surrounding landscape and for that reason there should be a significant enhancement in boundary landscape particularly to plots 1 – 8, 14, and 23 – 29;
- For the same reason as the previous point the Parish is seeking further details on external lighting;
- The level of parking in association with the Nissen hut is insufficient;
- The amount of children's play provision is poor;
- The planting scheme is disappointing and more suited to a suburban location with the Parish wishing to see native species throughout;
- Feel it is an inferior proposal to the approved scheme;
- Highlight to MBC that the NPPF expects the LPA to ensure the quality of approved developments is not materially diminished between permission and completion as a result of the changes proposed; and
- Comments to remind MBC that the development is not well designed so should be refused.

### Neighbours

No letters of representation from third parties have been received.

## 7.3 Response to Consultations and Representations

7.3.1 With regard to the comments received from the Parish Council, the following points are made in response:

7.3.2 The submitted variation of condition application is a valid form of submission to address the changes put forward by the applicant and their agent. Whilst the view that a full application should be made is understood, the local planning authority cannot insist on it and are of the opinion that the variation of condition application is an acceptable type of submission to deal with the changes proposed.

- 7.3.3 In respect of the ponds forming part of the submission, the proposal as submitted shows 2 ponds, with 1 of these being an existing pond, which is a reduction in the number of ponds on site by 1 from the existing approved reserved matters (3 were approved). It is considered that the 2 ponds will complement the site's rural location and character while not being harmful to the appearance or biodiversity of the area and still providing a good level of ecological opportunities.
- 7.3.4 Turning to the comments relating to the landscaping, with the exception of the site's south eastern boundary, the landscaping on the remainder of the site remains as approved within application 20/00438/REM. The changes to the landscaping on the south-eastern boundary are relatively minimal and still provide a good level of landscaping that is considered an improvement on the current situation and will continue to represent an improvement to the character and setting of the site as well as the development in this location.
- 7.3.5 With regards to external lighting, condition 6 on the reserved matters approval relates specifically to external lighting. If this submission is approved the condition attached to the previous reserved matters approval will be attached to this application. When used properly, conditions can enhance the quality of development and enable development to proceed by mitigating potential adverse effects.
- 7.3.6 The location of the Nissen Hut has been altered as a result of the development having to take account of the farmers right of way / access through the site which has also had the effect of removing the parking spaces that were shown on the previously approved plans. No replacement for these removed spaces are shown on the submission in order to ensure that the landscaping associated with the development is not further reduced. Notwithstanding the removal of these spaces, Officers consider that the road system would be able to accommodate for elements of on-road parking for short periods of time in association with the Nissen Hut.
- 7.3.7 The children's play provision in the amended layout has not been amended through this proposal and remains as approved.
- 7.3.8 The landscaping element of the proposal is changed as a result of the need to accommodate the farmers right of way / access through the site. The main area affected through the change is along the site's south eastern boundary where the planting has been reduced slightly. Overall, the planting is the same as previously approved and includes a high level of native planting.
- 7.3.9 The nature and appearance of the amended layout proposed will be considered within this report and takes account of the provisions of the NPPF alongside those of both the Melton Local Plan and the relevant Supplementary Planning Documents (SPD's). Furthermore, there is a need to highlight that it is only the layout and a small element of the landscaping proposed to be altered meaning that the design, appearance, scale etc of the dwellings are not for consideration within this proposal.

## **8 Planning Analysis**

The main considerations are

- The amended layout (8.1)
- Landscaping (8.7)
- Amenity (8.8)
- Heritage (8.9)

## 8.1 The amended layout

8.1.1 As set out in section 4, the site layout is to be altered to take account of a right of access a farmer has across the site where the changes relate to the re-location of the internal roads and dwellings, the re-location of the siting of the Nissen Hut interpretive centre and alterations to the landscaping as a result of the other changes. It should be noted that while the re-location of the Nissen Huts is to be considered here, as previously detailed in para 1.6 the design and development of the Nissen Hut is being dealt with through the Section 106 and not for consideration as part of this submission.

## 8.2 Highway layout;

8.2.1 With respect to the road layout, as indicated in para 5.1 amended plans have been received in response to comments from the Leicestershire County Council as the Local Highway Authority (LHA). In response to the amended plan and sweep path plan provided, the LHA have commented that it is understood that the revised layout is proposed due to a requirement to relocate the internal road to align with an existing farmer's right of access as well as that it being understood that the site is to remain in private ownership and will not be adopted by the LHA.

8.2.2 Having assessed the amended plans provided, the LHA is satisfied that the submitted swept path analysis demonstrates that a refuse vehicle can access and egress the site in a forward gear. They also note that the accesses serving plots 3-4, 14-15, and plots 28-29, as indicated on submitted drawing titled 'Site layout' (drawing number 14q) have been amended so as to be a minimum width of 4.25m. Furthermore, vehicular visibility splays of 2.4m x 33m (in either direction) have been indicated at one of the internal junctions albeit this is obstructed by proposed landscaping to the east. Available vehicular visibility splays have not been indicated at other junctions within the site layout. However, the LHA note that the site layout is largely in accordance with standards set within the Leicestershire Highways Design Guide (LHDG) and, given that the proposed development is intended to remain in private ownership, the LHA is content with the variation of condition as proposed.

8.2.3 The proposal therefore continues to provide roads to an acceptable standard that will accommodate refuse and emergency vehicles as well as those associated with farming operations, given the basis for the changes is the right of way / access across the site. They continue to read in a manner that will allow safe access, turning and manoeuvring while allowing the dwellings to be sited to address them in a manner allowing natural surveillance of the development.

## 8.3 Layout appearance and amenity;

8.3.1 While the re-location of the dwellings has been necessary due to the changes to the roadway, they will all continue to address the road and be sited in a manner that affords each dwelling the necessary parking spaces and good level of private amenity space that were also in place in the previously approved layout. They are more linear in their arrangement than they were in the reserved matters approval but there are some areas where the dwellings are staggered which contributes to maintaining a varied arrangement in the site that is welcomed.

## 8.4 Landscaping layout;

8.4.1 The changes in the layout have resulted in the area and quantity of new landscaping to be planted along the site's south eastern boundary being reduced from that previously approved in the reserved matters approval. Within the context of the site as a whole, the reduction as shown on the plan provided is relatively small. While the reduction would be



noticeable when comparing the plans against the previously approved layout, it would still constitute an improvement on the current situation that will contribute to the enhancement of the site, the development and this rural location. The continued use of native species in the landscaping to be planted in this area as well as across the site as a whole will continue to be a positive element of the development.

## **8.5 Nissen Hut layout;**

8.5.1 Within the amended layout, the Nissen Hut element of the proposal (to be delivered through the Section 106 legal agreement) will be moved from the position shown on the approved plans to a new one north east of the approved location although it will still be situated in close proximity to the sites south eastern boundary.

8.5.2 This amended location continues to allow for its provision while being respectful and appropriate in relation to the amended location of the dwellings such that it will be able to be used while not unacceptably impact on the amenities of the dwellings close to where it will be sited. Furthermore, its location within the site and in relation to proposed landscaping will still ensure it is screened from view from outside of the site

## **8.6 Layout Conclusion;**

8.6.1 Overall, the proposed changes to the layout are acceptable and in accordance with the NPPF as well as the Melton Local Plan and Neighbourhood Plan policies.

## **8.7 Landscaping**

8.7.1 As set out in paragraph 8.1.1 above, the changes in the layout are brought about by the need to incorporate the farmer's right of way / access over the site. The changes have resulted in the landscaping along the site's south eastern boundary being reduced from that approved.

8.7.2 Whilst this has an impact on the development, the level of the landscaping associated with the development continues to include a high level of planting across the site, and the use of native species is still significant. These changes are still considered to be a good, positive improvement on the site as a whole and will still represent a beneficial impact on the dwellings as well as the setting of the SAM adjacent to the site.

8.7.3 Overall, the changes to the landscaping are considered acceptable and are in line with the requirements of the NPPF as well as the relevant Melton Local Plan and Neighbourhood Plan policies.

## **8.8 Amenity and Character**

8.8.1 The amended site layout plan alters the internal roads as well as the positioning of the dwellings within the site, however the type, tenure and design of the dwellings remain as approved within planning permission reference 20/00438/REM.

8.8.2 The general layout removes 1 of 2 ponds originally approved at the point when the access road into the site meets the core area where the dwellings are to be located. While this alters the appearance of the development at this point, it is not considered to be an unacceptable alteration that has any detrimental impact on the amenity or character of the development. The continued provision of the pond at this entrance point contributes to the amenity that will be experienced by the dwellings that front on to it. Furthermore, it continues to ensure that the area is characterised by areas of open space to the front of dwellings that enhance the character, appearance and amenity of the development.

- 8.8.3 The changes to the road arrangement are such that they are considered to be acceptable and would not cause any unacceptable impacts upon amenity within the site or beyond.
- 8.8.4 With regards to the amended positioning of the dwellings, their individual locations taken alongside the location of windows (as per the approved designs) is such that there will be no overlooking nor loss of privacy in respect of each dwelling assessed against its neighbouring dwelling. Furthermore, their positioning and relationship with each other is such that there will be no loss of light nor any overbearing impact. While one of the plots will stand separate from the other dwellings in the development as it will be opposite other dwellings rather than adjacent to them, it will not unduly impact upon the visual amenity of the development to a level that officers consider would be capable of defence at appeal as it adds visual interest to the site alongside greater surveillance and variety to the character and appearance of the area.
- 8.8.5 The proposal will not detract from the surrounding area nor impact on the character, appearance, views while serving to improve the general amenity of the site alongside that which the area currently enjoys. This improvement is due to the site having previously had structures on it meaning it can be seen to be previously developed with intermittent landscaping within the site as well as on its boundaries, The landscaping scheme, taking account of the changes to the landscaping along a part of the sites eastern boundary, will continue to add to the improvement of the character and appearance of the site once planted and thereafter through its maturity.
- 8.8.6 It is therefore considered to comply with the provisions of the NPPF as well as policies SS1, EN1, EN2, EN6 and D1 of the Melton Local Plan.

## 8.9 Heritage

- 8.9.1 Situated outside of the application site but adjacent to its eastern boundary is a Scheduled Ancient Monument (SAM) known as 'St Mary and St Lazarus Hospital, moated site and two fishponds, Burton Lazars' (National Heritage List for England 1012242). The location of the site adjacent to the SAM is such that a particular focus on the proposal's impact was considered to ensure the harm to the heritage assets were considered to be less than substantial.
- 8.9.2 Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.9.3 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm requiring clear and convincing justification (NPPF 199 and 200). Historic England have also referred to NPPF Chapter 12 - 'Achieving well-designed places', in particular, paragraphs 126 and 130.
- 8.9.4 Paragraph 126 states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...'
- 8.9.5 Paragraph 130 states that, amongst others, 'Planning policies and decisions should ensure that developments...

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);'

8.9.6 Through the consideration of the reserved matters submission, detailed discussion took place with Historic England (HE) in order to ensure that the impact of the development on the SAM was considered less than substantial. These discussions led to improved levels of landscaping along the site boundaries with specific focus on the boundary between the site and the SAM on which Historic England were accepting that the impact was at an acceptable level.

8.9.7 Within their response on the current application, Historic England (HE) have commented that they have concerns regarding the proposal on heritage grounds, due to the increase in the level of visual intrusion upon the monument, causing harm to the significance that it derives from its setting. They continue that the harm would initially be at a high level of less than substantial and would reduce to a high-medium level of less than substantial harm as the remaining planted screening elements mature. Officers note the comments made in this part of the HE response including the statement that it falls within their definition of less than substantial which is shared by officers. In response to the 3 main points made the following sets out the view of officers on the points;

#### 8.10 **Visual Intrusion**

8.10.1 The landscaping along the site's south eastern boundary is the only section of boundary landscaping where planting levels will be reduced with the amount reduced being low. Planting along all other site boundaries will be as were approved within the approved reserved matters scheme. The planting along the other site boundaries takes account of planting and ground works (bunds) along certain sections including where the site is adjacent to the SAM.

8.10.2 Officers do not consider that, on the grounds of the preceding paragraph, there will be unacceptable impacts on the SAM by way of visual intrusion through the changes made to the landscaping on the sites south eastern boundary.

8.10.3 While there are changes within the site in regard to the layout of the development including location and positioning of the dwellings and roads, the changes to the layout and landscaping will not impact on the visual reading of the adjacent SAM from inside or outside of the application site. This contributes to the impact on the SAM as being less than substantial.

#### 8.11 **Assessment of Harm to SAM's setting;**

8.11.1 Historic England have highlighted the proposal will cause harm to the setting of the SAM as a result of the changes to the landscaping and layout of the development including the removal of the staggered arrangement of the dwellings.

8.11.2 It is acknowledged that the changes to the layout are necessary to ensure the right of way / access remains in its current form, and that this has an effect on the positioning of the dwellings. However, officers consider that the impact is less than substantial.

8.11.3 The reason for this is that firstly whilst the extent of the staggering of the dwellings has been reduced, it is still there on the site albeit to a lesser extent. This lesser extent has been brought about by the closer arrangement of some of the dwellings through the changes to the road layout that need to be provided.

- 8.11.4 Secondly, the landscaping on the site boundary with the SAM remains as negotiated with HE, and then subsequently approved as part of the reserved matters scheme. As set out earlier in the report, the only section of landscaping on the site boundaries proposed to change is along the south eastern boundary where there has been a slight reduction, however the location of this amended area of boundary landscaping is to the southern section on this boundary. This has the effect of ensuring that there is still a high level of landscaping viewed against the SAM which is as approved.
- 8.11.5 Further, the other landscaping across the site will continue to reinforce the site boundary so ensuring a long term benefit for the site that will contribute to the harm on the SAM being less than substantial.
- 8.12 **Policy justification for the changes;**
- 8.12.1 The basis for the changes being sought have been set out in the description of the development above but in short are as a result of the need to ensure that the right of way / access through the site is still available for use by those to who it relates.
- 8.12.2 It is accepted this this is not a policy reason for the changes sought. Nonetheless, Officers consider that they represent a reasonable and acceptable change that is required to be made in order that all interested parties are able to achieve their required outcomes of being able to build the development and utilise the right of way.
- 8.12.3 Through the changes sought in this submission and as set out by HE in their response, the impact will be less than substantial enabling the development to be capable of support.
- 8.12.4 Overall, therefore the proposal complies with the provisions of the NPPF as well as Melton Local Plan policies SS1, EN1 and EN13.

## **9 Conclusion**

- 9.1 The development represents amendments to the layout of the approved planning permission 20/00438/REM. This comprises a number of different features including reduction in the number of ponds from 3 to 2, re-positioning of the location of the roads and dwellings on the site and the reduction of the landscaping along the south eastern boundary. These changes have been brought about due to the need to ensure an existing right of way / access can be maintained across the site so that the adjacent land can be accessed by the farmer.
- 9.2 The proposal will see the access and dwellings re-positioned in a manner that ensures the farmer can access their land and that the new arrangement continues to represent an effective and appropriate development of the site. This new arrangement will have less than substantial harm on the adjacent Scheduled Ancient Monument while continuing to provide the approved numbers of dwellings such that they will continue to have sufficient parking provision in accordance with standards and good levels of amenity.
- 9.3 Whilst there will be in a reduction in landscaping along the south eastern edge of the site, the level of new native landscaping provided will continue to be to a high level that will continue to contribute to the rural location, local ecology and amenity in the area.

## **10 Reason for Recommendation**

- 10.1 The principle of development is secured through planning permissions 15/00537/OUT and 20/00438/REM.

- 10.2 The proposal accords with the requirements of Melton Local Plan policies SS1, C2, C3, C4, EN1, EN2, EN6, EN9, EN12, EN13, IN2 and D1.
- 10.3 No objections have been received from any statutory consultee.
- 10.4 The alterations will enable the implementation of the planning permission while enabling the right of access / way to be retained and used. Furthermore, the ability to enable the right of access to be used alongside enabling the development to be provided will contribute towards housing delivery in the Borough.
- 10.5 The layout will enable the number of dwellings to remain as approved with each having a good level of amenity (including private garden space) and parking provision in-line with adopted standards. The siting of the dwellings will not result in any over-looking or loss of privacy of other dwellings in the development
- 10.6 There will continue to be areas of open space within the development that contribute to the attractive design and layout of the scheme, with provision made for the siting of the Nissen Hut to be provided through the discharge of the Section 106 obligations.
- 10.7 Landscaping of the site will remain predominantly as previously approved while the area where there is to be a reduction will still represent an improvement on existing landscaping in that area as well as the site.
- 10.8 The various elements to be altered through this submission will, alongside unaltered elements, still ensure a less than substantial harm and impact on the adjacent Scheduled Ancient Monument.

## **11 Planning Conditions**

- 11.1 The development hereby approved shall be carried out in accordance with the following documents and drawings;
- Survey plan 15 50 01;
  - Location Plan 15 50 05; 15/50 63
  - Amended House Type A 15/50 05A;
  - Amended House Type A1 15/50 07A
  - Amended House Types A2 and A3 dated November 2022;
  - Amended House Type B1 15/50 09-1D;
  - Amended House Type B2 15/50 09-2C;
  - Amended House Type C 15/50 08E;
  - Amended House Type C1 15/50 08-1D;
  - Amended House Type D1 15/50 10-1C
  - Amended House Type D2 15/50 10-2A;
  - Amended House Type E 15/50 11C;
  - Amended House Type E1 15/50 11-1B;
  - Proposed Double Garage 15/50 64;
  - Semi Detached Garage A 15/50 - 65;
  - Semi Detached Type 2 15/50 66;

- Proposed Semi Detached Garage 15/50 67;
- Proposed Single Garage 15/50 68;
- Landscape Plan and photos EML SH 1100 02 Rev B;
- Section Elevations Sheet 1 of 2 EML SH 1100 03 Rev A;
- Section Elevations Sheet 2 of 2 EML SH 1100 04 Rev A;
- Landscaping Views from St Site of St Lazarus Hospital EML SH 1100 05 Rev A;
- Archaeological report ref 2021-029 by University of Leicester;
- 82046-101-P1 by PRP dated April 2021;
- 82046 Maintenance Schedule by PRP dated April 2021;
- 4651990 KS Comm Biodisc 8pg\_1000;
- C20.7545 SmartServPro\_Sales\_Presenter\_CM;
- DS0721P-04 (BH - BL BIODISC); and
- ZZ - 82046 - Management Schedule for Surface Water Drainage dated December 2021
- Drawing titled 'Site Layout' by Hayward Architects numbered 15/50 40q Rev Q dated June 2023
- Drawing titled 'Landscaping Master Plan' by East Midlands Landscaping Ltd numbered EML SH 1100 01 Rev PL2 dated 17 April 2023;
- Drawing titled 'Proposed Farmer's Access Road Layout & Details- by PRP numbered 82046 015 Rev P2 dated 7 June 2023;
- Drawing titled 'Proposed Refuse Vehicle Tracking' by PRP numbered 82046 001 Rev P3 dated 8 June 2023;
- Drawing by PRP titled 'Drainage Strategy' numbered 82046-101 Rev P3 dated 21 April 2023

**Reason:** For the avoidance of doubt and to ensure the development is carried out in accordance with the documents and drawings considered by the Local Planning Authority.

- 11.2 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects drawing number 15/50-14C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

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

**Reason:** In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

11.4 The parking spaces, including garages, shown on the approved drawings shall be provided prior to the first occupation of each dwelling and retained thereafter for parking purposes in association with the dwelling to which they relate with the garages being used for parking purposes only and for no other purpose.

**Reason:** To ensure the parking spaces shown on the approved plans are provided then subsequently retained.

11.5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

**Reason:** In the interests of protecting amenity of neighbouring dwellings in the development hereby approved.

11.6 No external lighting shall be provided until full details, to include locations, level of illumination, angles, means of maintenance etc, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details unless otherwise agreed in writing by way of a subsequent discharge of condition or non-material amendment submission.

**Reason:** To ensure the external lighting is positioned and of a type so as to not adversely impact upon neighbouring amenity or protected species while also ensuring its maintenance.

11.7 No above ground works shall take place until drawings showing the elevations and material details of all site and plot boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details to be retained thereafter.

**Reason:** In the interests of visual amenity as well as to ensure the visual appearance and materials of all boundary treatments are acceptable then subsequently retained and maintained accordingly.

11.8 No development shall commence on site until all existing trees and hedgerows 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:** To ensure that existing trees and hedgerow are adequately protected during construction in the interests of the visual amenities of the area.

11.9 No development shall commence until an Ecology Mitigation Report, to include as a minimum Great Crested Newts, Badgers and Reptiles alongside mitigation measures associated with all species has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the agreed details including mitigation measures.

**Reason:** To ensure the protection and appropriate mitigation of protected species.

11.10 No development above dpc shall take place until a landscaping scheme for the front garden areas of all dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with policies EN1, EN6 and D1 of the Melton Local Plan.

## 12 Financial Implications

12.1 There are no financial implications associated to this planning application

**Financial Implications reviewed by: N/A**

## 13 Legal and Governance Implications

13.1 Legal and Governance issues are considered and assessed within the report.

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

## 14 Background Papers

14.1 None

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