



# Planning Committee

14 September 2023

Report of: Assistant Director for Planning and Delivery

**Application reference :- 21/00825/VAC**

**Proposal: - Variation of conditions 5, 8 and 23 and discharge of conditions 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21 to application 18/00721/OUT.**

**Site :- Land off Burdett Close, Great Dalby**

**Applicant :- Taggart Homes**

**Planning Officer :- Richard Redford**

<b>Corporate Priority:</b>	3. Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Robert Child
<b>Date of consultation with Ward Member(s):</b>	21 July 2021
<b>Exempt Information:</b>	No

**Reason for committee determination:** More than 10 letters of objection from separate households have been received contrary to the recommendation.

**Web Link:** <https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVZAXHKOMFB00>

**What 3 words:** <https://what3words.com/hero.firring.army>

**Previous committee report:**

<https://democracy.melton.gov.uk/ieListDocuments.aspx?CId=134&MId=1386>

<b>RECOMMENDATION(S)</b>
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| 1. Approval subject to Planning Conditions detailed in Section 11 |
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## 1 Executive Summary

- 1.1 By way of background information, the planning application was previously presented to the Planning Committee of 29 September 2022. The decision of the Planning Committee was to defer the application for the following reasons;
- Condition 2 required re-writing
  - the access and highways position required clarification; and
  - in light of contradictory information that had been presented to the Committee, Severn Trent Water be asked to clarify their position and provide additional technical details which back up their position.
- 1.2 The application seeks 2 elements; firstly to vary conditions 5, 8 and 23 to enable new drawings to be included whereby the roads comply with current standards as opposed to historic standards in place when the outline permission was granted, and secondly to discharge conditions 3 (landscape scheme), 4 (landscape maintenance schedule), 11 (construction management plan), 12 (footpath management plan), 16 (archaeological written scheme of investigation), 17 (surface water drainage scheme), 18 (surface water management during construction), 19 (long term surface water management), 20 (infiltration testing) and 21 (arboriculture method statement) also attached to outline planning approval 18/00721/OUT.
- 1.3 The alterations to the roads meet current standards and would not result in any impacts across the layout nor upon amenities within the site or on existing dwellings adjacent to the site. Following investigations and dialogue with Severn Trent Water there will be no unacceptable impacts on their system.
- 1.4 With regards to the pre-commencement conditions for which details have been submitted to discharge, these have been assessed including obtaining amendments to some resulting from technical consultee comments. All are satisfactory and can be discharged subject to compliance with the submitted and/or up-dated documents.

## Main Report

### 2 The Site

- 2.1 The site is accessed off Burdetts Close and currently takes the form of a field which is crossed by public rights of way. Ground levels on site fall towards Burdett Close. A combination of trees and hedgerows comprise the majority of the site boundaries. The existing built form of Great Dalby adjoins the north and western site boundaries while agricultural land is to the east and south.

- 2.2 The outline planning approval, reference 18/00721/OUT, granted outline permission for the construction of up to 35 no. dwellings (Class C3) (amended from 38) including access and layout with associated open space, landscaping and access, drainage and services infrastructure. Access to and from the site approved as part of the outline permission is via Burdetts Close.
- 2.3 The reserved matters application, relating to scale, appearance and landscaping, is currently under consideration by the local planning authority (LPA) under reference 21/00289/REM. These details are not for consideration as part of this Variation of Condition application.

### **3 Planning History**

- 3.1 18/00721/OUT - Outline planning application for the construction of up to 35 no. dwellings (Class C3) (amended from 38) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved. – Permitted subject to Section 106 agreement – 12 July 2019
- 3.2 19/01376/OUT - Outline planning application for the construction of 35 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved – Withdrawn – 11 November 2020
- 3.3 21/00289/REM - Reserve Matters application for Scale, External appearance of the building(s), Landscaping of the site (as listed in Condition 2 on the Outline Planning Approval 18/00721/OUT) – Pending consideration

### **4 Proposal**

- 4.1 The submission seeks to vary conditions 5 (approved access plan), 8 (parking and turning) and 23 (approved plans) attached to outline planning approval 18/00721/OUT. In addition to varying these conditions, the formal discharge of conditions 3 (landscape scheme), 4 (landscape maintenance schedule), 11 (construction management plan), 12 (footpath management plan), 16 (archaeological written scheme of investigation), 17 (surface water drainage scheme), 18 (surface water management during construction), 19 (long term surface water management), 20 (infiltration testing) and 21 (arboriculture method statement) also attached to outline planning approval 18/00721/OUT is also sought.
- 4.2 The consideration and determination of the submission relates solely to the variation of the 3 conditions quoted alongside the discharge of the pre-commencement conditions quoted in detail at paragraph 4.1 above.

### **5 Amendments**

- 5.1 Amendments have been provided during the application process following initial responses from technical consultees.

## **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 SS2 - Development Strategy
- Policy EN1 – Landscape
- Policy EN11 – Minimising the Risk of Flooding
- Policy EN13 – Heritage Assets
- Policy IN2 – Transport Accessibility and Parking
- Policy D1 – Raising the Standard of Design

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

- B&D1 – Landscape Character
- B&D3 – Great Dalby Character
- B&D8 – Ecology
- B&D10 – Great Dalby Conservation Area
- B&D12 – Design
- B&D16 – Housing in Great Dalby
- B&D23 – Working From Home
- B&D25 – Water Management

### **Other**

- National Planning Policy Framework (2021)
- LCC Highways Design Guide
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## 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.

### SUMMARY OF TECHNICAL CONSULTATION RESPONSES

- LCC Highways – No objections
- LCC Archaeology – No objections
- LCC Forestry – No objections
- Lead Local Flood Authority (LLFA) – No objections
- Environment Agency – No objections
- Severn Trent Water – No objections
- Historic England – No comments to make
- Designing Out Crime Officer – No objections

### SUMMARY OF REPRESENTATIONS

#### Ward Member(s)

- Cllr Child comments and objects subsequent to the workshop on the following grounds;
- Premature to discharge conditions
- Condition 11 object as no plan for construction traffic management provided by developers;
- Not acceptable to vary conditions 5, 8 and 23 to the detriment of the site;
- Condition 12 object as no footpath management plan provided by developer;
- Condition 16 object as further archaeological work is needed and further Written Scheme of Investigation (WSI) required before it can be discharged.
- Removal of trees and insertion of close boarded fencing
- Increase of turning area has reduced green space
- Reduction in tree planting screening impacting on the view from the Church
- Increase in width of shared road surface reduces green space associated with the attenuation pond

#### Parish Council - Object

Initial comments (pre-workshop)

- Object to the discharge of condition 11 (construction management plan) as no plan has been provided by the developer.
- Concerns over noise, traffic and parking
- Object to the discharge of Condition 12 (footpath management plan) as no plans has been provided with the land criss-crossed by a number of footpaths.
- Object to the discharge of condition 16 relating to the archaeological written scheme of investigation as further works including a WSI are required before it can be discharged.

- Provision of play area and funding contribution.
- Concerns over access to the site.
- Comments received post workshop
- Concerns relating to drainage and sewer capacity
- Concern over the brook being overwhelmed

## Neighbours

17 letters of objection and 1 letter of representation have been received from 17 separate households

## Character of the Area and Heritage

- Not in keeping with the Conservation Area
- Site sits within Conservation Area
- Layout should better reflect the village
- Changes to agreed site layout
- Impact of fencing
- Proposal should compliment the church and historic village not be contrary to
- Ugly houses not in keeping with the village
- Commencement of work would damage the nature of the village
- The protection of the environment including trees, hedgerows and the removal of an ancient pasture.
- General disturbance to this ancient village and the subsequent effect on the residents

## Flooding

- Site is often waterlogged and drainage details required prior to determination
- Surplus water run off will impact existing residents
- Who will maintain the ditch for the detention basin
- Is there sufficient capacity in the Brook for additional run off to prevent flooding of highway and houses
- Even if the pumps were up-sized they would still not handle the current flow rate
- Flooding concerns and maintenance of elements shown on the submitted plans;

## Highways and Footpaths

- Lack of management plan for footpaths and ownership not confirmed
- Concern over road safety to both Burdetts Close and B6047 Main Road
- No Construction Traffic Management Plan submitted (condition 11)
- Too narrow road widths and access for construction traffic

- Additional changes to the proposal not just highways
- Maintenance of footpaths
- Burdetts Close already restricted with parked cars
- Footpaths add to the characteristics of the village
- The access cannot accommodate the 50 plus proposed vehicles
- Access should be through The Royal Oak
- Construction Management Plan contains errors
- Site logistics plan is incorrect and covers private gardens and through a hedge
- There is no gate in fence for vehicle entry to the site
- The access is not wide enough
- Increased car levels in the area leading to increase noise and air pollution

#### Other Matters

- Change is due to profits not the benefit of the residents
- Concern that proposal will lead to further development
- Variation alters terms of original permission
- Proposal will create further drainage disruption to residents
- Support the comments of the Parish Council
- Obtrusive noise created from water drainage pump
- Does the development contain electric vehicle charging points
- Requests a scale model to be made available for laypeople to understand development
- Lack of discussion with residents by developer
- Local residents have been treated with contempt and requests the original planning permission be brought back to Committee;
- Application is an attempt to override original conditions
- Is there a need for this development and how they are going to be crammed into the site;
- TH Great Dalby Management Co Ltd does not exist in company records
- Who is going to pay for the maintenance of the estate
- Concerns regarding the accuracy of the submitted documents.
- It is premature to seek to discharge conditions 3, 4 and 12
- Limitations set out in the Landscape Management Plan
- Varying conditions 5,8, and 23 would be detrimental to the site
- Clarification required as to when conditions have been discharged

## RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.1 The provisions of conditions 3, 4 and 12 are such that they are capable of being discharged separate from and prior to the determination of the reserved matters submission which is currently being considered.
- 7.2 While the objection comments relating to the landscaping proposed are noted as not being characteristic of the area, examples can be seen locally of the landscaping types proposed are not considered out of keeping with the character and appearance of the conservation area.
- 7.3 With regards to both the Construction Management Plan and Footpath Management Plan, no objection has been raised by Leicestershire County Council Highway Authority (LHA) as the technical consultee for these matters.
- 7.4 The conditions sought to be varied are proposed to ensure that the roads in the development and the access meet the current standards required by the Local Highway Authority. The amended conditions would ensure current highway standards are met and the proposal seen as a benefit given highway concerns raised by residents.
- 7.5 There is no evidence that the change is a pre-cursor to seeking more dwellings on the site, each application is considered on its own merits.
- 7.6 Matters relating to the location of the access are not relevant to the planning application, the location of the access has been approved by the Outline planning permission.
- 7.7 Further assessment of the landscaping plans submitted with the outline application have found no encroachment with the existing natural landscape.
- 7.8 The changes to the conditions relating to roads in the development are of a nature that it does not alter the principle of the development which has been secured through the outline permission, along with the layout and access.
- 7.9 The outline planning permission made an assessment of the site location and the relationship with the character, appearance and location of the heritage assets. The Variation of Condition proposal does not extend to the appearance of the dwellings, this matter will be considered through the consideration of the Reserved Matters application.
- 7.10 Concerns in respect of landscaping and design are noted, but they are not for consideration in this submission which seeks only to vary 3 conditions (to enable compliance with current highway standards) and discharge pre-commencement conditions.
- 7.11 Footpaths do cross the site and their contribution to the conservation area are noted, considerations of these will be assessed as part of the Reserved Matters application.
- 7.12 Drainage concerns are noted. In respect of these both the Lead Local Flood Authority (LLFA) and Severn Trent Water are satisfied the proposal is acceptable.
- 7.13 The implementation of the development would bring elements of disruption but in respect of matters relating to highways, drainage and sewage would be done under licence by the relevant organisation in a manner that would seek to minimise disruption and falls outside of the planning considerations.



## 8 PLANNING ANALYSIS

The main considerations are

- The principle of development (8.1);
- Highways (8.2)
- Drainage and Sewage (8.3)
- Impact on residential amenity (8.4)
- Discharge of Pre-Commencement conditions 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21 (8.5)
- Heritage (8.6)

### 8.1 Principle of Development

- 8.1.1 Outline planning permission reference 18/00721/OUT, including layout and access, was approved on 12 July 2019.
- 8.1.2 The application relating to the outstanding reserved matters was submitted to the LPA on 11 March 2021, and currently under consideration. As such it was submitted within the 3 year time period as required by condition and the principle of development established.
- 8.1.3 It should be noted that the application for consideration here relates only to the variation of three conditions attached to the outline planning approval and the discharge of 10 pre-commencement conditions.

### 8.2 Highways

- 8.2.1 The highway position was set out in the Committee Report of the 29 September 2022 a link to which is provided at the top of the report. As can be seen from the report and the minutes, part of the reason for the deferral from that committee was in order that the road width be provided.
- 8.2.2 In respect of this point, the agent has confirmed the existing carriageway measured from kerb to kerb on the topographical survey is 5.51 metres wide. With regards to the road width within the site layout it measures 5.51m where it enters the site from Burdetts Close as well as where the road is to be adopted. Where the road is to be a private drive the width is 4.8m.
- 8.2.3 The Leicestershire Highway Design Guide specifies an adoptable road requires a width of 4.8m for up to 50 dwellings and 5.5 metre where it is to serve between 50-400 dwellings. While the approved outline development granted permission for a total of 35 dwellings which requires a road width of 4.8m, the development proposes the road to be adopted as having a width of 5.5m – some 0.7m wider than required. Furthermore, it shows the private drives and roads as being 4.5m which is marginally less than required hence there being marked as private drives.
- 8.2.4 It should be noted that there will be footpaths in addition to the 5.5m and 4.5m road widths proposed. The agent has confirmed the footpaths on the sections of road to be adopted as being 2m in width.
- 8.2.5 The proposed roadways and footpaths are therefore acceptable in this instance with no objections raised from the technical consultees and the proposal complying with Policy IN2 of the adopted Melton Local Plan.

### 8.3 **Drainage and Sewage**

- 8.3.1 From a review of the 29 September 2022 committee report and its associated minutes it will also be seen that an issue was raised in respect of the Severn Trent Water (STW) network in and around the site, where the Planning Committee sought clarification that the infrastructure was sufficient to meet the requirements of the development in addition to those of the existing settlement.
- 8.3.2 Through discussions between Officers and Severn Trent Water, it was confirmed by Severn Trent Water that the rising main from the pumping station is 180mm (0.18m in metric or just over 7 inches in Imperial) which they indicated was acceptable.
- 8.3.3 During the investigation into this point, officers were made aware of a sewage incident in the area of the application site and raised this matter with Severn Trent Water who advised that they were aware of the incident which raised concerns relating to flows.
- 8.3.4 Initially STW then requested a condition be attached to any approval relating to there being no connection to the existing network until an up-grade to the network has been undertaken.
- 8.3.5 However, upon consideration of this request, it was considered that such a condition would fail to meet the tests required for conditions, primarily as it is covered by other legislation (The Water Act 2014) which sets out the procedure for connection to the public system.
- 8.3.6 Severn Trent Water continued investigations while also having dialogue with the applicants and their agent on the matters. Severn Trent Water have subsequently updated officers indicating the condition was no longer required as whilst there will be an impact as new flows are connecting in to the system, the foul flows being introduced are minimal so would not make a noticeable difference to the existing issue.
- 8.3.7 Severn Trent Water continue that the previous flooding issue was due to a blockage on the network which has been resolved and that the sewer network downstream at the junction of Main Street is already on their planned cleansing programme for regular planned maintenance to reduce the likelihood of blockages due to a history of blockages from fats, oils and greases.
- 8.3.8 On the basis of the preceding paragraphs, it is not considered that there are issues in respect of drainage and sewage.

### 8.4 **Impact on residential amenity**

- 8.4.1 As part of the submission and as a result of the amended plans provided in respect of the conditions proposed to be varied, amended site layout plans have been provided. The changes to the conditions, as already indicated, are proposed to enable the roads to be capable of adoption.
- 8.4.2 The changes proposed are such that there will be the potential for impacts on existing residential amenity by virtue of the fact that the site is being accessed off Burdetts Close; an existing residential street.
- 8.4.3 Dwelling numbers are not changing, resulting in the number of vehicles associated with the development also remaining unaffected. It is acknowledged that the development will result in increased vehicular and noise levels than currently exist, officers consider that the changes proposed through this submission will not impact on existing residents to a level that would be unacceptable or warrant refusal of the application.

- 8.5 Discharge of pre-commencement conditions 3, 4, 11, 12, 16, 17, 18, 19, 20 and 21**
- 8.5.1 Paragraphs 4.4 through to and including 4.13.4 of the Committee report presented to Committee on 29<sup>th</sup> September 2022, set out the requirements of each condition in numerical order with each being followed by the technical consultee response where relevant and the position of officers.
- 8.5.2 Condition 3 relates to landscaping and requires full hard and soft landscaping details to be submitted, these have been amended during the course of the application to address concerns raised by the Highway Authority regarding visibility. An assessment of the amended details by officers has concluded they are acceptable subject to implementation in accordance with the amended details.
- 8.5.3 Condition 4 requires a landscaping management schedule for landscaped areas which has been assessed by officers and concluded as being acceptable subject to implementation in accordance with the amended details.
- 8.5.4 Condition 11 requires the submission of a construction 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. This has been assessed by the Highway Authority as the relevant technical consultee who found the submitted details acceptable and have no objections to the condition being discharged subject to the development being implemented in accordance with these details.
- 8.5.5 Condition 12 requires a footpath management plan to be submitted prior to commencement on site with the relevant details having been submitted and assessed by the Highway Authority as the relevant technical consultee. The Highway Authority commented that they are satisfied with the submitted details meaning the condition can be discharged.
- 8.5.6 Condition 16 relates to archaeology and required a Written Scheme of Investigation for the site to be submitted which has been done. This has been assessed by LCC Archaeology, as the LPA's archaeological advisor, who identified changes needed to the report which were duly actioned by the applicant then commented on again by LCC Archaeology who were satisfied with the up-dated report so that subject to the work being undertaken the condition can be discharged.
- 8.5.7 Condition 17 requires the submission of a surface water drainage scheme be provided. This was submitted and assessed by the Lead Local Flood Authority (LLFA) as the Council's advisor on this matter who initially raised concerns. Following these being relayed to the applicant, up-dated details were provided on which the LLFA were re-consulted and are now satisfied with the information provided and subject to implementation with the submitted detail the condition can be discharged.
- 8.5.8 Condition 18 requires details of surface water management during construction to be submitted prior to the commencement of the development. The submitted details have been assessed by the LLFA who raised concerns which resulted in up-dated information being provided. In response to the up-dated details the LLFA commented they had no objection to the condition being discharged.
- 8.5.9 Condition 19 requires details on the long-term water management of the site which were submitted then amended following initial LLFA comments. Following an assessment of the up-dated details the LLFA were satisfied with the submitted details subject to implementation of the details so that the condition can be discharged.

- 8.5.10 Condition 20 relates to infiltration testing on which the LLFA were also consulted as the relevant technical consultee. Following up-dated details being provided in response to initial comments from the LLFA, the LLFA were satisfied with the up-dated details so that the condition can be discharged.
- 8.5.11 Condition 21 relates to the provision of an arboricultural method statement to be submitted prior to the commencement of the development on site. This has been provided and assessed by LCC Forestry as the Council's arboriculture advisor who found it to be acceptable with the condition able to be discharged.

## 8.6 Heritage

- 8.6.1 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.
- 8.6.2 The proposal seeks a variation to a permission, the principle of development has been agreed and the proposed variations do not impact upon the overall setting of the Conservation Area or the nearby Listed Buildings, a full assessment of Heritage Assets was undertaken during the outline planning application submission and approval.

## 9 CONCLUSION

- 9.1 The variation of the 3 conditions is to ensure that the roads associated with the development meet current highway standards and are capable of adoption following the implementation of the development. As has been established, the roads to be adopted, as well as those marked to be private, all exceed the required dimensions required in the Leicestershire Highway Design Guide and are therefore acceptable.
- 9.2 The layout as a result of the road alterations will not result in any adverse or detrimental impacts upon amenity for existing dwellings adjoining and surrounding the site or those within the site, nor will it impact upon nearby heritage assets.
- 9.3 While there are known to be drainage and sewage issues, discussions with Severn Trent Water have identified that the existing infrastructure is capable of accommodating the dwellings with the issue that has caused recent backlogs having been identified and addressed along with planned on-going maintenance going forward. Consequently, there are no impacts on the sewage and drainage system.
- 9.4 The conditions sought to be discharged have been assessed by officers and technical consultees with amendments made to some. Following these assessments, the details are considered acceptable with the conditions being able to be discharged.
- 9.5 Overall, the development is considered acceptable and in line with policies outlined in both the Melton Local Plan and the Neighbourhood Plan as outlined in the report.

## 10 REASON FOR RECOMMENDATION

- 10.1 The principle of the development continues to be acceptable.
- 10.2 The conditions to be varied would enable and ensure the roads within the development meet current standards capable of adoption.
- 10.3 There would be no impact on amenities within or outside of the site.
- 10.4 Based on the submitted and up-dated details provided, the conditions to be discharged are capable of being discharged subject to the development being implemented in accordance with the information.

## 11 Planning Conditions

- 11.1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of the outline permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

- 11.2 No development shall commence on the site until approval of the details of the (scale, external appearance of the building(s), and the landscaping of the site) (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. The details of the play area proposed for this site should also be submitted.

**REASON:** The application is in outline only.

- 11.3 No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.

**REASON:** To ensure satisfactory landscaping is provided within a reasonable period.

- 11.4 The maintenance of the landscaped areas shall be in accordance with the schedule of maintenance for landscape areas set out in both the Encore Open Space Maintenance Plan and Estate Management Overview and the Landscape Management Plan Rev D dated 16 March 2022 by Welch Design both submitted to the Local Planning Authority on 13 April 2022.

**REASON:** To provide a reasonable period for the replacement of any planting.

- 11.5 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Highway Adoption Plan numbered 10-5374-300C dated 27 May 2022 submitted to and received by the Local Planning Authority on 30 May 2022 have been implemented in full. The proposed access shall have a gradient of no more than 1:20 for a distance of at least 10 meters behind the highway boundary.

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

- 11.6 No part of the development shall be occupied until such time as details of a scheme to reduce the speed of traffic within the site in the vicinity of the site access, and a timescale for its implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the scheme shall be implemented in full in accordance with the approved details.

**REASON:** To ensure vehicles enter and exit the site at slow speeds, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 11.7 Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 meters for sliding or roller/shutter doors/ 6.1 meters for up-and-over doors / 6.5 meters for doors opening outwards and thereafter shall be so maintained.

**REASON:** In the interests of highway safety.

- 11.8 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with proposed site layout plan numbered 779-2f-001 Rev H dated 30 May 2022 and received by the Local Planning Authority on 14 July 2022. 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).

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

**REASON:** In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2019).

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

**REASON:** In the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 11.11 The development shall be carried out in accordance with the Construction Management Plan V6 by Taggart Homes dated 3 February 2022 submitted to the Local Planning Authority on 13 April 2022.

**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.

- 11.12 The development shall be carried out in accordance with the Public Right Of Way Report v2 by Taggart Homes dated 21 December 2021 and drawing 779-2-011F Proposed Right of Way Redirection Plan dated 1 July 2022 submitted to and received by the Local Planning Authority on 13 April 2021 and 14 July 2022 respectively.

**REASON:** To ensure the Public Rights of Way are safe and available during the period of construction and thereafter.

- 11.13 The Public Footpaths should comprise of a 2m wide tarmacadam construction in accordance with the Leicestershire County Council Highway Design Guide.

**REASON:** To provide all-weather routes in the interests of amenity, safety and security of users of the Public Rights of Way and in accordance with Paragraph 104 of the National Planning Policy Framework 2019.

- 11.14 No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside the Public Rights of Way should be non-invasive species.

**REASON:** To prevent overgrowth of the paths in the interests of amenity, safety and security of users of the Public Rights of Way and in accordance with Paragraph 104 of the National Planning Policy Framework 2019.

- 11.15 Prior to first occupation the stiles at grid references 474321 314350 and 474365 314400 (points F and near R on the Footpath Diversion Plan) should be removed whilst the yellow-topped waymark posts are retained.

**REASON:** To improve access for all in the interests of amenity and safety of users of the Public Right of Way in accordance with Paragraph 104 of the National Planning Policy Framework 2019

- 11.16 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) by Allen Archaeology Limited dated 8 February 2022 submitted to and received by the Local Planning Authority on 13 April 2022.

**REASON:** To ensure satisfactory archaeological investigation and recording.

- 11.17 The surface water drainage associated with the development shall be carried out in accordance with the Drainage Statement – Burdetts Close [rev C] dated 23 April 2021 submitted to and received by the Local Planning Authority on 12 November 2021, as well as drawings 10-5375-501 Drainage Details [1 of 2] and 10-5375-502 Drainage Details [2 of 2] both dated 4 December 2020 submitted to and received by the Local Planning Authority on 9 July 2021 and Proposed Drainage Layout plan 10-5374-500C dated 8 November 2021 received by the Local Planning Authority on 12 November 2021.

**REASON:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 11.18 The development shall be carried out with regards to surface water management during construction in accordance with Drainage Statement – Burdetts Close [rev C] dated 23 April 2021 submitted to and received by the Local Planning Authority on 12 November 2021, as well as drawings 10-5375-501 Drainage Details [1 of 2] and

10- 5375-502 Drainage Details [2 of 2] both dated 4 December 2020 submitted to and received by the Local Planning Authority on 9 July 2021 and Proposed Drainage Layout plan 10-5374-500C dated 8 November 2021 received by the Local Planning Authority on 12 November 2021

**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.

- 11.19 The long term maintenance of the sustainable surface water drainage of the development shall be carried out in accordance with Drainage Statement – Burdetts Close [rev C] dated 23 April 2021 submitted to and received by the Local Planning Authority on 12 November 2021, as well as drawings 10-5375-501 Drainage Details [1 of 2] and 10-5375-502 Drainage Details [2 of 2] both dated 4 December 2020 submitted to and received by the Local Planning Authority on 9 July 2021 and Proposed Drainage Layout plan 10- 5374- 500C dated 8 November 2021 received by the Local Planning Authority on 12 November 2021

**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.

- 11.20 The development shall be carried out in accordance with Drainage Statement – Burdetts Close [rev C] dated 23 April 2021 submitted to and received by the Local Planning Authority on 12 November 2021, as well as drawings 10-5375-501 Drainage Details [1 of 2] and 10-5375-502 Drainage Details [2 of 2] both dated 4 December 2020 submitted to and received by the Local Planning Authority on 9 July 2021 and Proposed Drainage Layout plan 10-5374-500C dated 8 November 2021 received by the Local Planning Authority on 12 November 2021.

**REASON:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

- 11.21 The development shall be carried out in accordance with the Arboricultural Method Statement Revision A dated October 2021 by Welch Design and Tree Protection Plan by Welch Design numbered 2106.0.1 dated 3 February 2021 submitted to the Local Planning Authority on 25 October 2021 and 9 July 2021 respectively.

**REASON:** To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality.

- 11.22 All construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

**REASON:** In the interests of residential amenity.



11.23 The development hereby permitted shall be carried out in accordance with drawings numbered 10-5374-300 Rev C and 779-2f-001 Rev H received by the Local Planning Authority on 30 May 2022 and 14 July 2022 respectively. The development should also conform to the guidelines in design and access statement also provided on 29<sup>th</sup> October 2018.

**REASON:** For the avoidance of doubt.

11.24 Any Reserved Matters application submitted shall limit the height of the proposed dwellings to 2 storey.

**REASON:** To safeguard the privacy of future occupants of the site and to ensure the development assimilates to its surroundings

11.25 Notwithstanding the approved Layout Plan, the south-west corner of the application site shall remain undeveloped and shall not contain any built form unless otherwise agreed in writing by the Local Planning authority. Development must be carried out in accordance with the approved details.

**REASON:** To protect and preserve the Conservation Area and to ensure that there is no significant harm caused to the nearby listed Church.

## 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 <https://democracy.melton.gov.uk/ieListDocuments.aspx?CIId=134&MIId=1386>

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