



Reference: 22/00408/FUL

Proposal: Demolition of existing agricultural buildings, erection of 6 No. new dwellings

Site: North Lodge, Longcliff Hill, Old Dalby

Applicant: HSSP Architects Ltd

Planning Officer: Andrew Cunningham

Report Author:	Andrew Cunningham, Senior Planning Officer
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Chief Officer Responsible:	Sarah Legge, Assistant Director for Planning
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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Joe Orson (Old Dalby)
Date of consultation with Ward Member(s):	7 April 2022
Exempt Information:	No

Reason for Committee Determination:

The application is required to be presented to the Committee as the application has received more than 10 letters of objection from separate households which conflict with the recommendation. It should also be noted that whilst not the applicant for this application, Cllr J Orson is the land owner and has been served notice for this application.

Web Link:

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

What 3 words:

<https://w3w.co/tend.elect.tower>

RECOMMENDATION(S)

1. It is recommended that the Planning Application be **APPROVED** subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary



- 1.1 The application site is located on the edge of the village of Old Dalby but outside of the limits of development as identified within the Neighbourhood Plan and therefore would constitute open countryside. The redundant farm complex comprises a number of outbuildings and silos and a farmhouse nearby together with hardstanding areas and grassland.
- 1.2 The development would be accessed via an existing entrance from the recently constructed wider development accessed off Longcliff Hill.
- 1.3 The nearest adjacent farmhouse, North Lodge Farm, lies to the south outside of the application site and 8 dwellings have been approved to the west of the site. A larger residential development has been granted to the southeast of the site.
- 1.4 Conversion of Agricultural buildings to dwellings under permitted development Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the change of use of a building to be undertaken without express planning permission, known as permitted development.
- 1.5 Planning reference 18/00568/GDOCOU granted prior approval for the conversion of 2 barns to 5 dwelling houses. An outbuilding located at the entrance of the site is a brick structure which has been granted planning permission for the demolition of the outbuilding and construction of a new residential dwelling under planning reference 21/00024/FUL.
- 1.6 The site has already had prior approval via Class Q for the conversion of two barns to five dwelling houses, and permission through a full application has already been granted for one dwelling, equalling 6 dwellings on the site.

This current application does not unacceptably exceed those already allowed via permitted development within class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and equates to the same number of residential units already approved. As such the proposal remains within the general scope of the extant prior-approvals for barn conversions. Furthermore, the redesign proposed by this application, alongside the architectural detailing and layout would be to the betterment of the rural location providing high quality residential dwellings.

Main Report

2 The Site

- 2.1 The application site comprises a rectangular parcel of land which houses several agricultural buildings within a farm complex. Access is provided to the site from the adjacent new residential development which is accessed off Longcliff Hill on the edge of the village of Old Dalby.
- 2.2 The site is bound by residential development to the west and southeast, and the existing farmhouse to the south. Open countryside lies to the north. A Public Right of Way (PRoW) runs west to the east along the far rear of the site but remains in situ and is not impacted. The site is not within the Conservation Area and is sited away from listed buildings.

3 Planning History

- 3.1 18/00506/FUL - Conversion of existing brick and tile building to form one dwelling and associated garden and parking area - Application Permitted – 22.10.2018
- 3.2 18/00568/GDOCOU - Conversion from agricultural use to use for five dwellings – General Development Order Approval – 15.08.2018
- 3.3 21/00024/FUL - Demolition of existing barn and construction of one new dwelling on the same footprint - Application Permitted – 07.05.2021

4 Proposal

- 4.1 Permitted development has been granted for the conversion of two large barns into 5 residential dwellings, and in 2021 a further application was approved to erect one new dwelling on the site, giving a total of six residential units.
- 4.2 This application seeks an alternative proposal to those granted which would demolish all buildings on site and erect 6 new dwellings, effectively combining the two previously approved schemes into one comprehensive application. The siting of the dwellings within the site and the relationship between the dwellings would be vastly improved by this proposal.
- 4.3 Access is through the existing access but improved and altered in line with the highway authority's recommendations.

5 Amendments

- 5.1 A number of revisions have been made during the course of the application to address officer concerns in relation to the design of the dwellings. Revisions have also been made in response to objections and further requests for information from LCC Highways and LCC Ecology.

6 Planning Policy

6.1 National Policy

6.1.1 National Planning Policy Framework (NPPF)

6.1.2 National Planning Policy Guidance (NPPG)

6.1.3 National Design Guide

6.2 Melton Local Plan

6.2.1 The Melton Local Plan 2011-2036 was adopted by Full Council on 10th October 2018 and is the development plan for the area.

6.2.2 The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.

6.2.3 The relevant policies to this application include:

Policy SS1. Presumption in favour of Sustainable Development

Policy SS2. Development Strategy

Policy EN1. Landscape

Policy EN2. Biodiversity and Geodiversity

Policy EN6. Settlement Character

Policy EN8. Climate Change

Policy EN9. Ensuring Energy Efficient and Low Carbon Development

Policy EN12. Sustainable Drainage Systems

Policy IN2. Transport, Accessibility and Parking

Policy D1. Raising the Standard of Design

6.3 Neighbourhood Plan

6.3.1 The Nether Broughton and Old Dalby Neighbourhood Plan was 'Made' on the 6th June 2018 and forms part of the development plan for the area.

6.3.2 The relevant policies to this application include:

Policy S1: Limit to Development

Policy S2: Development Proposals outside the Defined Limits to Development

Policy H6: Housing Design

Policy ENV9: Biodiversity

6.4 Other

6.4.1 Design of Development SPD

7 Consultation Responses

7.1 Summary of Technical Consultation Responses

7.2 Please note the below is a summary of responses and representations received. To view the full details please follow the web link on the first page.

7.2.1 **LCC Highways**

a) No objection subject to conditions.

7.2.2 **LCC Ecology**

a) No objection subject to conditions.

7.2.3 **LCC Forestry**

a) No objection.

7.2.4 **Housing Policy Officer**

a) Comments received prior to amendments, an affordable housing requirement of 2 dwellings (25%) is required. This would be for 2 affordable rented houses, 1 x 2 bed and 1 x 3 bed.

7.3 **Summary of Representations**

7.3.1 **Ward Member(s)**

a) No comments received.

7.3.2 **Parish Council**

Further Response (12 January 2024) (previous responses available online)

a) As in our previous email dated 22 April 2022, our position has not changed on this application. This site is outside the current limits to development for Old Dalby as shown in the Nether Broughton and Old Dalby neighbourhood plan and as such represents a proposal in open countryside, which is strictly controlled, we therefore still object to this application

7.3.3 **Neighbours**

22 letters of objection have been received summarised as follows:

- Outside of limits to development within the Neighbourhood Plan.
- Lack of available facilities (school, healthcare etc) to cope with the additional housing.
- Lack of services within the village itself, being an unsustainable place to live.
- Previous permissions and prior-approvals have expired and no longer extant.
- Setting of a precedent for future development outside limits to development.
- Fails to provide adequate measures to protect ecology/biodiversity.
- Over development in the village and no need for additional development.
- This application is not similar to, or an improved proposal from the previous approvals.
- Insufficient consultation period.
- Impact upon highway safety through additional movements and poor access/junction.
- Development situated on green belt land.
- Devaluation of adjacent properties.

7.4 Response to Consultations and Representations

- 7.4.1 Comments raised from the Housing Policy Officer are noted however this request was made initially based on the total floor space of the dwellings proposed being greater than 1000sqm. However amended plans have been received during the course of the application which confirm that the total floor area of the development sits below 1000sqm (total 966.1sqm) and therefore there is no requirement for affordable housing.
- 7.4.2 S106 contribution requests to local infrastructure are not triggered given that the development is a minor proposal less than 10 dwellings.
- 7.4.3 Setting of a precedent is not a matter for consideration as each application is considered on their own merits.
- 7.4.4 The previous Part Q Prior Approvals on this site have established a fall back position for 6 dwellings in this location and is a material planning consideration for this proposal.
- 7.4.5 Concerns have been raised regarding an insufficient consultation period. A full consultation has been undertaken and a further re-consultation in response to the amended plans has also been undertaken.
- 7.4.6 Concerns are raised regarding the development being situated on green belt land. The site is not within the green belt, the site is located on land associated with former agricultural operations.
- 7.4.7 Devaluation of adjacent properties is not a material planning consideration.
- 7.4.8 All other matters are considered below in the relevant sections of the planning analysis.

8 Planning Analysis

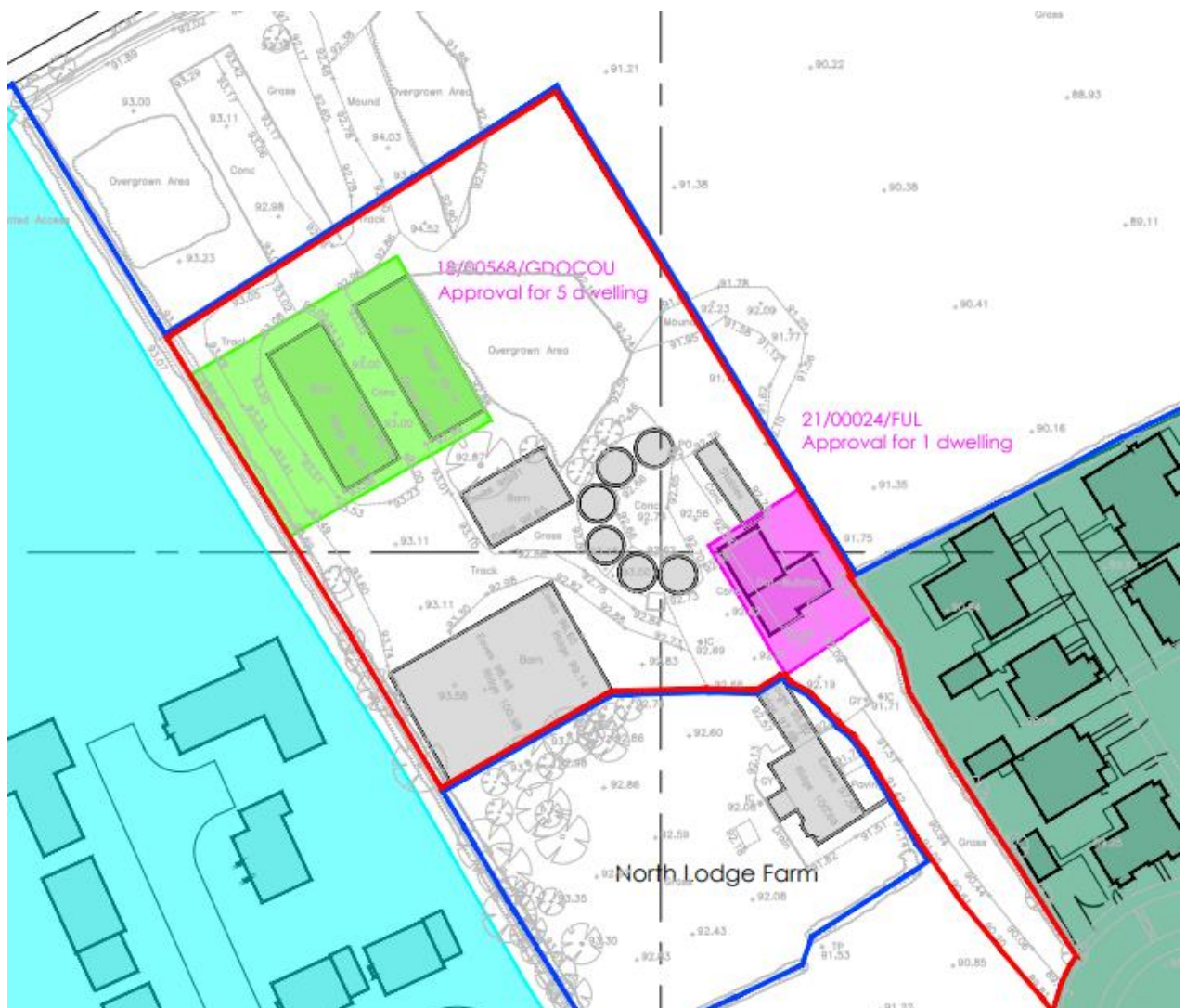
8.1 Main Considerations

- The main considerations are
- Principle of Development
- Housing mix
- Design and impact upon the character of the area
- Residential amenities
- Highways
- Biodiversity and protected species
- Drainage

8.2 Principle of Development

- 8.2.1 The site lies within open countryside and beyond the Limits to Development in the Neighbourhood Plan. Policy SS2 of the Local Plan states that in the open countryside, new development will be restricted to that which is necessary and appropriate in the open countryside. Policy S1 of the Neighbourhood Plan seeks to support proposals within the Limits to Development, and Policy S2 states that land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies

- 8.2.2 The proposed new dwellings, being sited outside of the limits to development, are therefore considered to be contrary to those policies, and can only be approved if material considerations are present to justify a departure from them.
- 8.2.3 The site already has prior approval for the conversion of two barns to 5no. Dwelling houses and full planning permission for the demolition of one other building and erection of 1no. Dwelling. Therefore 6no. Dwellings have previously been granted on the site.
- 8.2.4 Whilst this does not secure the principle of development in this location, the granting of Class Q prior approval does establish the precedent for residential use on the site and is a material consideration in the determination of this proposal.
- 8.2.5 It is noted that one of the conditions of the prior approval requires the development to be carried out within 3 years of the approval and therefore is no longer extant. However there has been no intervening change on the site or changes to legislation within the previous years and there is therefore a very realistic prospect that a general development order would be approved for the conversion of the same barns again to 5no. Dwellings, thus having the same material consideration as when the prior-approval was extant.
- 8.2.6 Below is a plan of the site permitted under prior notification 18/00568/GDOCOU (highlighted on western boundary) and construction of a new residential dwelling under planning reference 21/00024/FUL (highlighted in south eastern corner at the entrance of the site).



8.2.7 The dwellings proposed would be on the site of the agricultural buildings which would necessitate their demolition and also the new dwelling at the entrance of the site would no longer be implementable given the proposed masterplan shown below.



8.2.8 The Parish Council objects to the proposal stating that the site does not meet the criteria for sustainable development as defined in the Neighbourhood Plan given the siting of dwellings outside the limits to development.

8.2.9 The comments of the Parish Council are noted, and without the Class Q approval, it is likely that the application would be refused due to this policy conflict. However, as set out above, there are significant material considerations that in this case are considered to justify a departure from the Neighbourhood Plan. Case law has established that a Class Q approval provides a 'fall back position' to which future development can be compared and balanced even where the approved work has not been carried out.

8.2.10 Looking into the detail of case law, The Court of Appeal in *Mansell V Tonbridge and Malling Borough Council* (2017) EWCA Civ 1314 clarified when a 'fall back' development may be a material planning consideration for an alternative development scheme. The court also re-examined the correct interpretation of Class Q general permitted development rights (i.e. agricultural building to residential dwelling).

- 8.2.11 The case concerned an appeal of the first instance decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council. The development being the demolition of a barn and bungalow and the construction of four detached dwellings. Of relevance to this application, the Court of Appeal considered the view presented by the Planning Officer in the report relating to the application that, “A scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms, the current proposal therefore in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development would arise should the applicant seek to undertake to implement permitted development rights.”
- 8.2.12 The Court of Appeal dismissed the appeal and thereby did not quash the council’s grant of planning permission. The Rt Hon Lord Justice Lindblom confirmed the legal considerations in determining the materiality of a fall-back position as a planning judgement were:
- “The basic principle is that for a prospect to be a “real prospect”, it does not have to be probably or likely: a possibility will suffice.”
- 8.2.13 There is no rule of law, that in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the necessary General Permitted Development Order. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgement in the particular circumstances of the case in hand.
- 8.2.14 He then concluded that the clear desire of the landowner to develop, and maximise the value of the site was sufficient to demonstrate there was a real prospect of the Class Q GPDO fall-back position in this case. Therefore, the Council made no error in law in giving material weight to such fall-back position.
- 8.2.15 Taking account of the Court of Appeal’s decision in the Mansell case, this application presents a similar scenario whereby the desire of the landowner to develop is considered sufficient to demonstrate there is a real prospect of the Class Q GPDO fall-back position and should be given material weight as a fall-back position.
- 8.2.16 This is particularly relevant in this instance given that the Class Q is no longer extant however there is a real prospect that the developer could resubmit a prior-approval and therefore the fall-back position of the site achieving 5no. Dwellings through this process forms a material consideration in the determination of this application (total of 6 achieved on the site through the independent application of 1 x dwelling).
- 8.2.17 In addition, the proposal would provide significant visual benefits for the site and surroundings providing a cohesive layout and visually pleasing design overall, the demolition and erection of new buildings allows an integrated layout whereby the development is viewed as one and the design of the dwellings are reflective of one another.
- 8.2.18 It is considered that the proposed scheme remains within the general scope of the previously permitted prior-approval and its proposed redesign, architectural detailing and layout would be to the betterment of its rural location. The development would provide

high quality residential dwellings and the scheme is considered acceptable for development of 6 dwellings as proposed given the material considerations that are present, subject to other considerations set out below.

8.3 **Housing mix**

- 8.3.1 In terms of housing mix, Policy H4 of the Neighbourhood Plan states that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs. The provision of dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people including bungalows and dwellings suitable for those with restricted mobility including those with disabilities or special needs requiring support in the community, will be supported. Melton Local Plan Policy C2 which seeks to achieve a mix of house types can only be considered on schemes of 10 or more and therefore does not influence the determination of this application.
- 8.3.2 The development proposes 3x 2beds, 1 x 3bed and 2 x 4beds. Four of the properties are bungalows.
- 8.3.3 Despite Policy H4 of the Neighbourhood Plan and Policy C2 of the Melton Local Plan not being the appropriate policies for this determination, it is considered the application achieves a suitable housing mix for smaller properties with bungalows and therefore very welcomed as a design preference in this location.

8.4 **Design and impact upon the character of the area**

- 8.4.1 The demolition of the existing barns will be replaced with 4 bungalows on the western part of the site with two traditional two storey dwellings on the eastern part of the site. The proposed design adopts a very traditional style, representing that of a former farm complex of buildings in terms of layout, siting and scale – with two storey buildings acting as the focal point with single storey range buildings former in a U shape courtyard stemming out from the larger buildings.
- 8.4.2 The design of the dwellings themselves are very traditional, akin to barn conversion properties with a traditional level of glazing, openings, headers, cills and timber cladding, along with a mix of blue and red pantile roof tiles with red facing brickwork. The two storey dwellings are akin to a traditional large scale barn with a central opening with a large double storey opening with glazing and timber shutters.
- 8.4.3 The cohesive design of the dwellings are considered to be of an appropriate scale for the nature of the location, and whilst acknowledging that this would not be an appropriate location for new development in usual circumstances, the layout and parking are of an acceptable design, enhancing the context of the site and wider street view, whilst still reflecting the previous agricultural use of the site. Conditions have been recommended that will further secure the design of the proposals, including the submission of materials and finished site levels.
- 8.4.4 Permitted development rights are also proposed to be removed so that the development retains its character moving forward and so that consideration can be given to any amendments or extensions which may subsequently alter the scale and form of the development.
- 8.4.5 Views both in and out of the site are considerably softened due to the existing landscape features and with the addition of the proposed landscaping to be conditioned the landscaping will be further improved.

- 8.4.6 There are trees on site of some significance which are proposed to be retained. The trees to be removed have been identified as category U and therefore not worthy of retention.
- 8.4.7 The proposal is therefore considered to be sympathetic and in keeping with its countryside location and neighbouring amenity, together with details of site levels which will ensure the proposal would continue to comply with Policies D1 and EN1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.5 Residential amenities**
- 8.5.1 This new proposal will enable a better spatial arrangement of the dwellings across the site compared to the prior approval conversion thereby improving levels of amenity, privacy and natural light and outlook for the future occupiers.
- 8.5.2 Their separation distance and relationship of fenestration are considered acceptable so as not to overlook or be overbearing to the adjacent developments being constructed nor the existing farmhouse and as such that the proposal meets with the objectives of Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.6 Highways**
- 8.6.1 Following concerns raised by The Local Highways Authority the plans were amended to show that the current access is proposed to be widened and amended to ensure that it is of a sufficient width, gradient and design to accommodate the number of dwellings proposed and also provision of emergency vehicles and refuse vehicles. Sufficient vehicular and pedestrian visibility splays have also been demonstrated from the access point and have been revised so they are now wholly within the applications red line boundary.
- 8.6.2 A pedestrian crossover point is also proposed as part of the development to allow pedestrian connectivity from the development and the adjacent development to the village.
- 8.6.3 Two parking spaces are provided to all properties with 3 bedrooms or less and three parking spaces are provided for the 4 bedroomed properties which complies with Policy H6 of the Neighbourhood Plan.
- 8.6.4 The Local Highways Authority have no objection to the use of this access to serve the development subject to the requested conditions. The access and parking arrangements are therefore considered acceptable and raise no issues under Policy IN2 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.
- 8.7 Biodiversity and protected species**
- 8.7.1 A bat activity survey report and Extended Phase 1 Habitat Survey has been undertaken and submitted in support of the application in relation to Great Crested Newts.
- 8.7.2 No bat roosts were recorded and therefore no concerns are raised from a bat perspective.
- 8.7.3 However, LCC Ecology raised concerns with the outcomes, results and evaluations made regarding great crested newt and recommended that further survey is undertaken or that the applicant goes down a district level licencing route, as updated surveys would not be required for this approach.
- 8.7.4 Natural England's district level licensing scheme enables the applicant to comply with the legal duty to protect great crested newts by contributing to off-site compensation ponds instead of carrying out detailed surveys and applying for a mitigation licence. In order to secure this through the planning process, the applicant needs to submit a copy of their

Impact Assessment and Conservation Payment Certificate (IACPC), which has been countersigned by Natural England, to the LPA prior to determination.

8.7.5 A copy of the IACPC certificate has been provided to the Council and therefore there is no further requirement from an ecology perspective and LCC Ecology raise no objections subject to conditions.

8.7.6 The proposal is therefore considered in accordance with Policy EN2 of the Melton Local Plan and Policy ENV9 of the Neighbourhood Plan.

8.8 **Drainage**

8.8.1 The site is within Flood Zone 1 and there are no significant concerns from a flood risk/drainage perspective and the development would provide a betterment to the existing situation which currently runs off without a requirement. A condition is recommended that a drainage strategy shall be provided prior to commencement of development.

9 **Conclusion**

9.1 The principle of the development in this location is contrary to Policy SS2 of the Melton Local Plan and Policy S2 of the Neighbourhood Plan, however prior notification granted on the site for residential use previously is a material planning consideration in this instance and the proposed redesign, architectural detailing and layout of the site for 6 dwellings would be to the betterment of its rural location providing high quality residential dwellings and an overall cohesively designed development.

9.2 No concerns are raised in respect of highway safety, biodiversity, residential amenity or the proposed design of the development.

10 **Planning Conditions**

10.1 The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

10.2 The approved development shall be carried out in accordance with the submitted details and following plans:

8507-03-003 P8	proposed site plan
8507-03-004 P6	proposed block plan
8507-03-010 P1	floor plan plot 1
8507-03-011 P1	elevations plot 1
8507-03-020 P2	floor plan plot 2
8507-03-021 P2	elevations plot 2
8507-03-030 P1	floor plan plot 3
8507-03-031 P1	elevations plot 3
8507-03-040 P1	floor plan plot 4
8507-03-041 P1	elevations plot 4
8507-03-050 P2	floor plan plot 5

8507-03-051 P2 elevation plot 5

8507-03-060 P1 floor plan plot 6

8507-03-061 P1 elevations plot 6

Received by the Local Planning Authority on 6th December 2023

8507-03-001 P8 site location plan

8507-03-007 P10 proposed site plan

8507-03-008 P6 vehicle swept analysis

Received by the Local Planning Authority on 4th July 2024

Reason: For the avoidance of doubt and to ensure the development is in accordance with in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Broughton and Dalby Neighbourhood Plan.

- 10.3 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any works above damp proof course level of the building(s) hereby permitted is carried out. The development shall be carried out in accordance with such agreed details.

Reason: To ensure a satisfactory standard of external appearance in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.4 No development shall take place on site until details of existing and finished site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details.

Reason: To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water in accordance with Policy EN12 of the Melton Local Plan and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.6 No development above ground level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, and details of tree protection measures during construction has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or

seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority. The tree protection measures shall be in place prior to commencement of development and for the duration of the construction works.

Reason: To ensure that the development is acceptable form of development within the landscape setting and that work is carried out within a reasonable period and thereafter maintained in accordance Policies EN1, EN6 and D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.7 No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. Enhancements shall include (but is not limited to) the incorporation of bird and bat boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: In the interests of biodiversity and protected species in accordance with Policy EN2 of the Melton Local Plan and Policy ENV9 of the Neighbourhood Plan.

- 10.8 If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved in writing by the Local Planning Authority detailing how this unsuspected contamination shall be dealt with. The development shall proceed with the approved scheme.

Reason: In the interests of future occupiers in the event of unexpected contaminants being found on site in accordance with Paragraph 189 of the NPPF.

- 10.9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the dwellings hereby permitted no development as specified in Classes A, AA, B, C, D, E, F, G or H shall be carried out unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future extensions to ensure the development remain sympathetic to its countryside location in accordance with Policy D1 of the Melton Local Plan and Policy H6 of the Neighbourhood Plan.

- 10.10 No part of the development shall be occupied until such time as the offsite works shown on Proposed Site Plan drawing number 8507-03-007 Rev P10 have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in with accordance Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.11 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan drawing number 8507-03-007 Rev P10 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the

Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

- 10.12 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 Plan (Drawing number 8507-03-003 Rev P8). Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan, Policy H6 of the Broughton and Dalby Neighbourhood Plan and with the National Planning Policy Framework (December 2023).

11 Informatives

- 11.1 Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of vegetation should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- 11.2 Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, works may only proceed under an EPS licence or District Level Licence for great crested newts.
- 11.3 Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

12 Financial Implications

- 12.1 No known financial implications.

Financial Implications reviewed by: N/A

13 Legal and Governance Implications

- 13.1 Legal implications have been included in the main body of the report and legal advisors will also be present at the meeting.

Legal Implications reviewed by: Clive Tobin, Monitoring Officer.

14 Background Papers

- 14.1 None.

15 Appendices

- 15.1 None.