



## Proposal: 24/00134/FUL Erection of 1no. dwelling with associated access from Chetwynd Drive

Site: Gardens Rear Of 249 To 251 Asfordby Road Melton Mowbray

Applicant: Nicolas Homewood

Planning Officer: Ms Amy Smith

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Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Pip Alnatt and Mike Brown (Melton Egerton Ward)
Date of consultation with Ward Member(s):	8 March 2024
Exempt Information:	No

**Reason for Committee Determination:** Letters of objection have been received from more than 10no. households, contrary to the Officer recommendation.

**Web Link:** <https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8FYXXKOL9E00>

**What 3 words:** <https://w3w.co/mental.pace.spit>

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 seeks full planning permission for the erection of one detached dwellinghouse. A new vehicular access is proposed from Chetwynd Drive.
- 1.2 The current application has been amended since it was first submitted to reduce the amount of development proposed from four dwellinghouses, to one dwellinghouse. The application site is also reduced in area.
- 1.3 The proposed dwelling would be a four-bedroomed two storey detached property with integral double garage, and would have front and rear amenity areas. Access is provided from Chetwynd Drive to the south of the site.
- 1.4 The principle of the development at the application site is acceptable in accordance with Policy SS2 of the Melton Local Plan, which identifies Melton Mowbray as a priority location for growth.
- 1.5 The proposed development does not create unacceptable environmental or highway safety problems which cannot be mitigated and controlled by way of planning condition.
- 1.6 The design of the proposed dwelling would be consistent with other development in close proximity to the application site. The private amenity space designed and provided within

the application site is appropriate for the size and scale of the proposed four-bedroom dwelling.

- 1.7 It is considered the proposal would not result in unacceptable harm to private amenity of neighbouring properties.
- 1.8 The site is located in Flood Zone 1 and has a very low risk of surface water flooding. It is therefore an appropriate location for residential development.
- 1.9 The proposed development therefore accords with Policies SS2, C9, EN2, EN8, EN9, EN11, EN12, IN2 and D1 of the Melton Local Plan.

## **Main Report**

### **2 The Site**

- 2.1 The application site comprises a site area of approximately 0.07ha. The site is located within the main urban area of Melton Mowbray.
- 2.2 The site currently forms part of the garden land of 249 and 251 Asfordby Road; the dwellings of which are located to the north of the application site. The site adjoins and would be accessed via Chetwynd Drive to the south.
- 2.3 There are no planning constraints on the site.
- 2.4 The site is flanked by neighbouring residential properties; 249-251 Asfordby Road to the north, 247 Asfordby Road to the east, 253 Asfordby Road to the west and 25 Chetwynd Drive to the south.
- 2.5 The site has a slightly sloping topography from north to south, with the application site being at a lower level than the dwellings of 249-251 Asfordby Road to the north.
- 2.6 The eastern, western and southern boundaries of the site are delineated by a mix of timber fencing and hedgerow planting. There are a number of existing fruit trees and shrubs within the site area, and other domestic paraphernalia (i.e. sheds and washing lines) expected in a residential garden. The northern boundary of the site is open to the remaining garden land area of 249-251 Asfordby Road.
- 2.7 According to the Environment Agency flood maps, the application site is located in Flood Zone 1 and has a very low risk of surface water flooding.

### **3 Planning History**

- 3.1 There is no planning history other than that which is detailed above.

### **4 Proposal**

- 4.1 The application seeks full planning permission for the erection of one detached dwellinghouse. A new vehicular access is proposed from Chetwynd Drive.
- 4.2 The current application has been amended since it was first submitted to reduce the amount of development proposed from four dwellinghouses, to one dwellinghouse. The application site is also reduced in area.
- 4.3 The application site is located in the main urban area of Melton Mowbray. The site encompasses part of the garden areas for two existing residential properties on Asfordby Road. The southern boundary of the site adjoins Chetwynd Drive, where the dwelling would be accessed from the public highway via a new vehicular access to be created.

- 4.4 The proposed dwelling would be a four-bedroomed two storey detached property with integral double garage, and would have front and rear amenity areas

## **5 Amendments**

- 5.1 The planning application as originally submitted proposed the erection of four semi-detached dwellings.
- 5.2 Following assessment of the proposed development, it was considered that this proposal was unacceptable due the proposal being out-of-keeping with the pattern of existing development in the area. This is because of the amount of development proposed on the site as well as the siting and layout of the dwellings, which ultimately would result in a cramped form of development.
- 5.3 After discussions with the applicant, the proposed scheme is now amended to include one detached dwelling only and the site area is reduced to omit land to the rear of 253 Asfordby Road. The red line boundary is updated accordingly.

## **6 Planning Policy**

### **6.1 National Policy**

- 6.1.1 National Planning Policy Framework (NPPF)
- 6.1.2 National Planning Policy Guidance (NPPG)

### **6.2 Melton Local Plan**

- 6.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and forms part of the Development Plan for the area.
- 6.2.2 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.
- Policy SS1 Presumption in Favour of Sustainable Development
  - Policy SS2 Development Strategy
  - Policy C9 Healthy Communities
  - Policy EN2 Biodiversity and Geodiversity
  - Policy EN8 Climate Change
  - Policy EN9 Ensuring Energy Efficient and Low Carbon Development
  - Policy EN11 Minimising the Risk of Flooding
  - 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 There is no neighbourhood plan for the area.

### **6.4 Other**

- 6.4.1 The Design of Development Supplementary Planning Document (SPD) was adopted on 24 February 2022.

## **7 Consultation Responses**

## 7.1 Summary of Technical Consultation Responses

### 7.1.1 LCC Highways 26th March 2024 (i.e. in respect of the originally submitted scheme)

- Chetwynd Drive is an unclassified road subject to a 30mph speed limit. The proposed drive will connect to Chetwynd Drive at the end of the turning head. The LHA note that this section of the adopted carriageway only measures 3.7m in width. To accord with Figure DG17 of Part 3 of the Leicestershire Highway Design Guide, an access for two-five dwellings shall have a minimum effective width of 4.25m. The proposed access is therefore substandard.
- The proposed development would introduce two-way movements over an existing section of highway, which is narrow and currently used as a turning circle. Consideration should be given to the requirement of off-site works.
- The Applicant is required to detail how the proposed footway will tie in with the existing footway.
- A Stage 1 Road Safety Audit shall be submitted as part of the application.
- Surface water shall be prevented from running onto the public highway.
- There have been no recorded Personal Injury Collisions in the vicinity of the site in the last 5 years.
- The car parking spaces measure 3m x 6m and are acceptable. Turning space of 6m shall be provided behind parking spaces. There is a shortfall of car parking spaces at Plots 1 and 4.
- Due consideration shall be given to waste collection.
- The LHA consider the site to be in a sustainable location in transport terms – it is located within a 2km walk and cycle ride of a major employment area, and within 400m of bus stops.

### 7.1.2 LCC Highways 12th July 2024 (in respect of the amended scheme)

- The LHA note that the application has changed to the erection of one dwelling.
- The access leading from the highway into the site measures 3.7m and therefore is in accordance with the Highways Design Guide and is acceptable to the LHA.
- The LHA is satisfied that 1m by 1m pedestrian visibility splays could be achieved in both directions of the site access in accordance with Figure DG17/18/20 of Part 3 of the Highways Design Guide.
- Three car parking spaces are provided in accordance with the Highways Design Guide and is acceptable to the LHA.
- Conditions recommended;
  - Pedestrian visibility splays to be provided prior to occupation
  - Implementation of access prior to occupation
  - Parking and turning facilities to be provided prior to occupation
  - Hard surfacing of access drive and turning space prior to occupation

### 7.1.3 LCC Highways 8<sup>th</sup> August 2024 (Response to Submission of Road Safety Audit)

- The submitted RSA has been reviewed and note that it does not identify any safety problems to be addressed and no additional observations were raised. The LHA therefore offer no further comments.

#### 7.1.4 LCC Archaeology 13th March 2024

- It is believed that the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The application warrants no further archaeological action in accordance with NPPF Section 16, paragraphs 194-195.

#### 7.1.5 LCC Archaeology 25th July 2024

- No further comments

#### 7.1.6 LCC Ecology 7th August 2024

- No records of protected species in the immediate vicinity that a development like this would impact
- Great crested newt ponds approximately 200m away; gardens generally do not provide optimum terrestrial habitat
- The only real concern is nesting birds in the shrubs and trees; this should be covered by an informative recommending clearance outside of bird nesting season or for vegetation to be checked by an ecologist prior to removal
- Potential for hedgehogs to be present, however, they are not afforded the same legal protection as other species but are declining. It is unlikely a development of this size would have a significant impact on local populations. A suitable informative could be used to ensure any holes/trenches are covered overnight during construction and hedgehog holes are installed in closed-board fences.

### 7.2 **Summary of Representations**

#### 7.2.1 **Ward Member(s)**

- Objects.
- The two-storey building is inappropriate for the site proposed. It is too high and too large for the land it is planned for. The height and oppressive nature of the proposal is exacerbated by the way the land lies and its location in part of the gardens of properties in the surrounding residential area.
- The development would have an unreasonable and unacceptable impact on the privacy of existing residents.
- The building will be out of character with the surrounding area.
- Concerns with the impact of drainage issues for existing properties on Riverside Road and Chetwynd Drive.
- An increase in traffic noise and pollution.
- The proposal provides an inadequate level of parking.
- Access to the site will impact the use of the turning area on Chetwynd Drive.
- The proposal will remove several trees and a current green area with impact on wildlife.
- The development has negligible impact on delivering the targets for new homes in the Local Plan.

#### 7.2.2 **Neighbours**

- a) 93 letters of objection have been received from 37 households in the Melton Borough; an additional 21 letters of objection have been received from addresses outside of the Melton Borough area, or have incomplete addresses.

- b) In summary, objections to original scheme related to;
- Environmental impact; loss of green space, impact upon wildlife and trees
  - Impact upon amenity of residents; overlooking, overbearing, health & well-being, loss of light, loss of view
  - Surface water and groundwater drainage
  - Highways impact; highway safety, increase in traffic, lack of off-street parking leading to on-street parking issues, existing turning head
  - Impact on residents through the construction phase; noise, traffic, dust and dirt
  - Principle of the development in an unsustainable location of the development, including lack of services for residents
  - Decrease in value of neighbouring properties
  - Appearance, design and impact upon the character of the area
  - Strain on utilities in the area; water, sewers and electricity
  - Carbon footprint of the development contrary to Melton Borough Council's "sustainable homes" objective
- c) In addition to the above objections, further objections in reference to the below were made regarding the amended scheme;
- Principle of development is not considered acceptable by the Community
  - Need for affordable homes
  - Development will set precedent for future development
  - Road Safety Audit not a true representation of Chetwynd Drive

### **7.3 Response to Consultations and Representations**

- 7.3.1 The principle of development, design, ecological impact of the development, impact upon residential amenity, flood risk and highways matters are discussed below in the assessment.
- 7.3.2 It should be noted that the application site is currently use as private garden land to 249 and 251 Asfordby Road. The site is in private ownership and does not serve as a publicly accessible green space.
- 7.3.3 It is noted that concerns have been raised regarding the impact of the construction phase of the development. Given the scale of the development, it would not be reasonable to expect a Construction Management Plan to be submitted and agreed by the LPA. If unsocial nuisance does occur through temporary construction works, this would be dealt with through a complaint to the Environmental Health team at Melton Borough Council.
- 7.3.4 Impact upon the value of properties is not a material planning consideration.
- 7.3.5 Connection to utilities are considered separately from the planning system. Agreements will need to be in place between the developer and the various utility providers i.e. water, electricity, gas and broadband. There is no evidence to suggest it would not be possible for additional connections to the relevant networks.
- 7.3.6 The development would be constructed in accordance with the latest building regulations, which addresses climate change and would ensure appropriate levels of insulation and carbon reduction.

- 7.3.7 The application is submitted for development of market housing. No affordable provision is required by the development as the threshold for affordable homes as stated in policy and guidance is not met.
- 7.3.8 Each planning application for new development is considered on its own merits, and possible future development will require planning permission and consideration against the policies in place at the time.
- 7.3.9 A Road Safety Audit [RSA] is not required by the scale of the development proposed, however, the RSA was commissioned as part of the earlier development and has been submitted by the applicant as a supporting document only.

## **8 Planning Analysis**

### **8.1 Main Considerations**

- 8.1.1 Principle of Development
- 8.1.2 Highways Impact
- 8.1.3 Design and Impact upon the Character of the Area
- 8.1.4 Impact on residential amenity
- 8.1.5 Flooding and Drainage
- 8.1.6 Ecology

### **8.2 Principle of Development**

- 8.2.1 The application site is located in the main urban area of Melton Mowbray. In accordance with Policy SS2 of the Melton Local Plan, Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need, therefore defining its role in the Borough as a sustainable location for new housing.
- 8.2.2 The application site itself is comprised of private garden space of existing residential properties, 249 and 251 Asfordby Road. The site is not accessible to the public.
- 8.2.3 The immediate surrounding area is characterised by existing residential properties of various styles and sizes.
- 8.2.4 As such, it is considered the principle of residential development at the application site is acceptable in accordance with the Melton Local Plan.

### **8.3 Highways Impact**

- 8.3.1 Policy IN2 of the Melton Local Plan states that all new development shall be located where travel demand can be minimised, provide a safe and suitable access, and appropriate and effective parking provision.
- 8.3.2 The application site is located in sustainable location within the main urban area of Melton Mowbray with employment, leisure and retail facilities and services within accessible range, whether by walking, cycling or public transport. The need to travel by private car is therefore minimised with alternative sustainable transport modes available.
- 8.3.3 The Highways Authority have confirmed that they are satisfied that a safe and suitable vehicular access can be achieved to the site from Chetwynd Drive.
- 8.3.4 Access will be provided from the existing highway, from the turning head on Chetwynd Drive. The proposed development would not impact upon the presence or layout of the turning head.



- 8.3.5 The layout of the proposed development as shown in the submitted drawing, allows for three off-street car parking spaces within the curtilage of the site. Adequate space for turning is provided within the curtilage of the site also. The proposed parking provision accords with the car parking standards as set out in the Leicestershire Highways Design Guide.
- 8.3.6 The proposed development of one four-bedroom house is not considered to generate a significant number of trips which would compromise highway safety or unreasonably increase the volume of traffic in the local area.
- 8.3.7 The Highways Authority have recommended a number of planning conditions to be attached to any planning permission granted, to include the implementation and provision of the vehicular access, pedestrian visibility splays and parking and turning facilities prior to the occupation of the development. The use of hardstanding upon all parking and turning provision is also secured by planning condition.
- 8.3.8 The proposed development would therefore comply with the provision of Melton Local Plan Policy IN2.
- 8.4 Design and Impact upon the Character of the Area**
- 8.4.1 Policy D1 of the Melton Local Plan seeks for new development to be sympathetic to the character of the area and meet basic urban design principles.
- 8.4.2 The amended scheme overcomes previous concerns raised with the scheme as originally submitted. The amount of development proposed on the site was reduced from four dwellings to one dwelling, and the revisions included the reduction to the site area.
- 8.4.3 It is not uncommon for different architectural vernaculars to exist alongside each other, particularly in an urban environment such as Melton Mowbray. There is a mix of housing types and plot sizes in the local area which influence the context of the application site on Asfordby Road, Chetwynd Drive and Riverside Road. As such, it is considered the amount of development proposed within the site appropriately reflects the existing built form and pattern of development in the locality.
- 8.4.4 The siting and layout of the proposed development within the application site allows for adequate amenity space both to the front and rear of the dwelling. The proposal would also retain appropriate garden land for the dwellings at 249 and 251 Asfordby Road.
- 8.4.5 The set-back of the dwelling within the site from the edge of the highway on Chetwynd Drive, in a similar fashion to the form of the existing dwellings along Chetwynd Drive, respects local vernacular and ensures the proposal would not result in an incongruous feature upon the street-scene.
- 8.4.6 The site has a slightly sloping topography from north to south. It is recommended that the details of the finished floor levels of the proposed dwelling are to be submitted and agreed with the Local Planning Authority prior to the commencement of development on the site to ensure an acceptable relationship between the proposed development and its neighbours. The relevant condition can be seen at paragraph 10.9.
- 8.4.7 The scale of the proposed dwelling would be consistent with other development in close proximity to it. The design of the proposal as a two storey detached dwelling with gabled roof, and its external elevation being a mix of red brick and render finish, would reflect and be in-keeping with the appearance of existing residential properties near to it. To ensure a satisfactory standard of appearance, it is recommended that materials to be used in the external elevations of the development are submitted and approved by the Local Planning

Authority prior to construction of the dwelling above damp-proof course. The relevant condition can be seen at paragraph 10.3.

- 8.4.8 A waste storage area is proposed adjacent to the access with Chetwynd Drive to allow for the suitable management of waste.
- 8.4.9 There are a number of existing fruit trees and shrubs within the site area. It is noted that the site would be cleared of the existing flora to allow for the construction of the development, however, the trees and shrubs are sited within existing residential gardens and are not protected from felling or any other clearance. It is reasonable to expect that similar amenity value could be achieved through the planting of new trees and shrubs to be secured via planning condition. Therefore, a soft landscaping scheme is recommended to be agreed with the Local Planning Authority and implemented prior to the occupation of the development to ensure a satisfactory standard of the appearance of the development. The relevant condition can be seen at paragraph 10.4.
- 8.4.10 Policy C9 of the Melton Local Plan states that all development proposals should make a positive contribution to promoters of health and well-being including; safe and convenient travel options with public transport which connects homes, workplaces, schools etc.; 'Healthy Homes' that are affordable, easy to warm, have good light, decent space and are safe from flooding and overheating; high quality residential amenity; and employment opportunities in accessible locations.
- 8.4.11 As mentioned above, the application site is located in sustainable location within the main urban area of Melton Mowbray in an established residential area, where there is a network of safe and convenient streets which connect the site to schools, shops and employment opportunities.
- 8.4.12 The proposed development offers an appropriate layout and quality residential amenity for its occupiers, with good sized rooms and outdoor amenity space.
- 8.4.13 Policy EN8 of the Melton Local Plan requires all new development proposals to demonstrate how the need to mitigate and adapt to climate change has been considered, and Policy EN9 supports development proposals where it can be demonstrated that it can provide energy efficient and low carbon development in response to climate change. Whilst no specific details have been submitted with the planning application, given the scale of the development, it is reasonable for details of how the proposed development would meet energy and low carbon requirements to be submitted and agreed under a planning condition, prior to the commencement of the development on site. The relevant condition can be seen at paragraph 10.11.
- 8.4.14 For the reasons outlined above it is considered that the proposed development would be an appropriate form of development in the main urban area of Melton Mowbray. On balance, the scheme represents good design in accordance with Local Plan Policies D1 and C9, and would not unacceptably result in harm to the character of the locality.

## 8.5 **Impact on residential amenity**

- 8.5.1 Policy D1 of the Melton Local Plan seeks for all new developments to be of a high quality design, and assesses proposals against a range of criteria including the protection of neighbour amenity.
- 8.5.2 The dwellings situated to the north of the application site front Asfordby Road. The proposed development would therefore be visible from the rear of these properties. Given the plot depths of these properties along Asfordby Road, it is not considered that the proposed

development would result in overshadowing or an overbearing form of development and the separation distances between the rear elevations of the dwellings of no less than 27m would not result in undue overlooking impact or loss of privacy for the residents.

- 8.5.3 1 and 2 Riverside Road are located to the east of the application site. The site boundary of the application site and the rear boundaries of these neighbouring properties are separated by the garden of 247 Asfordby Road, which has a width of approximately 8.5m. The minimum distance between the rear elevations of 1 and 2 Riverside Road and the side elevation of the proposed dwelling would be no less than 25m. It is noted that two windows are proposed to the first floor of the proposed dwelling which would serve two en-suites. It is reasonable to recommend a condition which would maintain these windows as being obscurely glazed in perpetuity (see paragraph 10.10 for relevant Condition). It is therefore considered that there would be no undue impact of the development upon the amenity of the residents of 1 and Riverside Road, owing to the layout and orientation of the proposed development.
- 8.5.4 25 Chetwynd Drive adjoins the application site to the south. The proposed dwelling is situated to the north-east of this existing dwelling. The amended scheme for one dwelling omits the existing garden area of 253 Asfordby Road from the site area, and as such the proposed new built form would not project past the building line of the rear elevation of 25 Chetwynd Drive. Due to the siting and orientation of the proposed development, there is no element of overlooking to 25 Chetwynd Drive. There is a separation distance of approximately 10m, and the windows upon the front elevation of the proposed dwelling would overlook the highway rather than the private curtilage of the neighbouring dwelling. There would therefore be no element of overshadowing, and the development would not result in an overbearing form of development to the detriment of neighbouring amenity.
- 8.5.5 As such, it is considered the proposed development would have no adverse effect on the amenity of neighbouring properties and is in accordance with Policy D1 of the Melton Local Plan.

## 8.6 **Flooding and Drainage**

- 8.6.1 Policy EN11 of the Melton Local Plan aims to locate development on land with the lowest risk of flooding (Flood Zone 1 and outside of surface water flood risk).
- 8.6.2 The scale of the development does not require a flood risk assessment to be provided as it is located within Flood Zone 1, and the site area is less than one hectare.
- 8.6.3 The Lead Local Flood Authority have not provided specific comments on the application as the development is not major in accordance with the Town and Country Planning (Development Management Procedure) Order 2015. Instead, officers have referred to standing advice to address concerns of surface water flooding raised by objectors.
- 8.6.4 The application site itself is wholly located within Flood Zone 1. Flood Zone 1 is the preferred location for new residential development.
- 8.6.5 The Environment Agency's Flood Map for Planning does not identify the site as being at risk of flooding in relation to flood event of rivers or the sea, nor to surface water flooding.
- 8.6.6 With regards to site drainage, Local Plan Policy EN12 'Sustainable Drainage Systems' states: "All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using 'green roofs'. All developments will be required to manage surface water through keeping to a minimum

the creation of non-permeable areas.” Given the scale of the proposed development, it is considered appropriate for this information to be secured via a suggested planning condition, with details to be agreed prior to the commencement of development on the site. The relevant condition can be seen at paragraph 10.12.

8.6.7 As such, it is considered the proposed development accords with Policies EN11 and EN12 of the Melton Local Plan.

## 8.7 Ecology

8.7.1 Policy EN2 of the Melton Local Plan proactively seeks to protect and enhance biodiversity, and ecological networks.

8.7.2 The site does not have any international or national ecological designations. The County Ecologist has confirmed there are no ecological constraints on the site and no records of protected species within the immediate vicinity of the site.

8.7.3 It is noted that objections have been received which state the presence of wildlife within the application site, including badgers and bats which are protected species. Relevant informatives are recommended which advise the applicant of limiting potential impact to protected species under the Wildlife and Countryside Act (see informative at paragraph 11.2).

8.7.4 The current land use of the site is for residential purposes within an urban area, and officers are mindful that the use of the site would not significantly alter the ecological character of the site. It is recommended a soft landscaping scheme is submitted and agreed by the Local Planning Authority which should consider ecological opportunities to encourage habitat creation. The relevant condition can be seen at paragraph 10.4.

8.7.5 Therefore, on balance, the proposed development is considered to have a neutral impact upon the natural environment.

## 9 Conclusion & Reason for Recommendation

9.1 Policy SS1 of the Melton Local Plan states that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.

9.2 The principle of the development at the application site is acceptable in accordance with Policy SS2 of the Melton Local Plan, which identifies Melton Mowbray as a priority location for growth.

9.3 The proposed development does not create unacceptable environmental or highway safety problems which cannot be mitigated and controlled by way of planning condition.

9.4 The design of the proposed dwelling would be consistent with other development in close proximity to the application site. The private amenity space designed and provided within the application site is appropriate for the size and scale of the proposed four-bedroom dwelling.

9.5 It is considered the proposal would not result in unacceptable harm to private amenity of neighbouring properties.

9.6 The site is located in Flood Zone 1 and has a very low risk of surface water flooding. It is therefore an appropriate location for residential development.

- 9.7 The proposed development therefore accords with Policies SS2, C9, EN2, EN8, EN9, EN11, EN12, IN2 and D1 of the Melton Local Plan. In accordance with Policy SS1, it is therefore recommended that planning permission be granted.

## 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall be carried out in accordance with the following drawings received by the Local Planning Authority on 1<sup>st</sup> August 2024:

- Detailed Site Plan, Floor Plans, Elevations and Section (proposals) drawing no. 23/36/001 Revision C

**Reason:** For the avoidance of doubt

- 10.3 The development hereby permitted must not proceed above damp-proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in strict accordance with the approved details.

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

- 10.4 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, and in accordance with Policy D1 of the Melton Local Plan.

- 10.5 No part of the development hereby permitted shall be occupied until such time as 1m by 1m pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (December 2023).

- 10.6 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing 23/36/001 Rev C, have been implemented in full.

**Reason:** To ensure a safe and suitable form of access to the site in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

- 10.7 The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with drawing 23/36/001 Rev C.

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 the National Planning Policy Framework (December 2023).

- 10.8 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 5m behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

- 10.9 No development shall take place on site until details of existing and finished site levels together with a plan to show the proposed finished floor levels and building height in relation to adjoining buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed 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.

- 10.10 The first floor windows in the eastern elevation of the dwelling shall be glazed with obscured glass to a minimum of Pilkington Level 3 with a top opener only to prevent overlooking of neighbouring properties. This arrangement shall thereafter be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To avoid the possibility of overlooking in the interests of preserving the amenities of residents in accordance with Policy D1 of the Melton Local Plan.

- 10.11 Prior to the commencement of development, details demonstrating how the dwelling will incorporate sustainable low carbon design and construction techniques for energy and water efficiency, shall be submitted to and approved in writing by the Local Planning Authority. The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwelling hereby permitted.

**Reason:** To ensure the development mitigates and adapts to climate change in accordance with Policy EN9 of the Melton Local Plan.

- 10.12 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.

**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.

## 11 Informative

- 11.1 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.

- 11.2 Trees may support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that tree works are undertaken by a competent tree surgeon who is aware of the possibility of encountering bats and their protected status, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. In addition, all birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees is done outside the bird-nesting season - i.e. between the end of August and the beginning of March - or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.

## **12 Financial Implications**

- 12.1 None

**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 advisors will also be present at the meeting.

**Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)**