



19/00606/FUL - Land Adj 25 Mill Lane, Mill Lane, Frisby On The Wreake

Proposed New Build Dwelling

Applicant : Mr Freeman

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Frisby on the Wreake : Councillor Ronan Browne
Date of consultation with Ward Member(s):	25 June 2019
Exempt Information:	None

1 Summary

- 1.1 The application site is currently an unused parcel of land located within the north east corner of the village of Frisby on the Wreake. The application site sits adjacent to the railway line, adjacent to a public footpath, opposite a Grade II Listed Mill House, located within the Conservation Area of Frisby on the Wreake and partly within the defined Limits to Development within the Neighbourhood Plan (the proposed dwelling and carport sits mainly within). The application site sits within Flood Zone 3b (the functional flood plain).
- 1.2 This is a full planning application for the erection of one dwelling including a carport and outbuilding.
- 1.3 Amended plans and documents have been received during the course of the application to address concerns raised regarding the scale, size and design of the dwelling, the style of the carport and the impact upon flooding/drainage.
- 1.4 This application follows a number of previous approvals for one dwelling on the site and as such, this proposal is very similar to the extant permission, albeit considered to be an improved design.

2 Recommendation(s)

- 2.1 It is recommended that the Planning application is **APPROVED** subject to conditions

3. Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Frisby on the Wreake is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.
- 3.2 The proposed dwelling sits mainly within the limits to development within the Neighbourhood Plan as identified within Policy H3 of the Neighbourhood Plan.
- 3.3 The application is a revision to a number of previous and **extant planning permissions** on the site for the development of one dwelling. As such, **the principle of development is established** subject to appropriate design and appearance and other material planning considerations.
- 3.4 The access and parking is deemed acceptable, Network Rail have no concerns subject to conditions, there would be no adverse impact upon the adjacent public footpath and sufficient residential amenity is safeguarded for the adjacent property and the future occupiers.
- 3.5 Whilst the Environment Agency state the application is contrary to the NPPF and should not be permitted, it is also acknowledged within their response that the permission for one dwelling on the site is in place. Given that this development is similar to the previous extant planning permission, it is considered acceptable on grounds of flooding subject to conditions and mitigation measures outlined within the submitted Flood Risk Assessment.
- 3.6 The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets given the similarities to the previously approved scheme in terms of height and scale, however the new design, materials and appearance proposed within this scheme is considered to be of higher quality.



4 Key Factors

4.1 Reason for Committee Determination

4.2 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation, and the application has been called into Committee at the request of the local Ward Member.

4.3 Relevant Policies

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

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

4.3.3 The Frisby on the Wreake Neighbourhood Plan was adopted on 1st August 2018.

4.3.4 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.

4.3.5 Please see Appendix E for a list of all applicable policies

4.4 Main Issues

4.4.1 The main issues for this application are considered to be:

- Compliance with Development Plan Policies.
- Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Network Rail

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site is on the north eastern edge of the settlement of Frisby on the Wreake and policies SS1 and SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Frisby on the Wreake is identified in the Local Plan as a Rural Hub.

5.1.2 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy.

5.1.3 Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement* (1822) on a proportionate basis. This will be delivered by

planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential ‘windfall’ development.

- 5.1.4 Policy H1 of the Neighbourhood Plan states that planning permission will be granted in Frisby on the Wreake for new dwellings though allocations and windfall sites within the Limits of Development as set out in Policy H3. Policy H3 of the Neighbourhood Plan states that residential development proposals will be approved on sites within the Limits to Development as identified in the Neighbourhood where it complies with the policies of the Development Plan. The site lies half within and half outside of the Limits of Development. There are no policies within the Neighbourhood Plan which guide development that sits outside of the Limits of Development.
- 5.1.5 Other material considerations are the National Planning Policy Framework (NPPF) and the Frisby on the Wreake Conservation Area Appraisal.

5.2 Principle of Development

- 5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network.
- 5.2.2 Frisby on the Wreake is considered to be a sustainable location and is identified as a ‘Rural Hub’ and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 5.2.3 Given the siting within Frisby on the Wreake, a Rural Hub, this development is considered to be fall under the provisions of ‘windfall’ development within the Melton Local Plan.
- 5.2.4 The development is partly within and partly outside of the limits to development of the Neighbourhood Plan. Notwithstanding this, the site has the benefit of an extant planning permission for the erection of one dwelling through the following previous applications –

DC	16/00639/FUL	PER	12.09.2016	22.12.2016	New single storey private dwelling
DC	17/00498/FUL	PER	20.04.2017	16.08.2017	New Dormer Bungalow Private Dwelling (Re-
DC	17/00625/NONMAT	PER	19.05.2017	14.07.2017	Non-materials amendments for approved dwelling
DC	17/01037/DIS	PER	18.08.2017	10.10.2017	Discharge of conditions 1 to 11 for planning
DC	18/00479/NONMAT	PER	20.04.2018	20.08.2018	Non-material Amendment to application

- 5.2.5 As such, the principle of development has been firmly established.

5.3 Impact upon the character of the area, Conservation Area and setting of listed buildings

- 5.3.1 The location of the site is on the north eastern edge of the village of Frisby on the Wreake. Users of Mill Lane will see the proposed development when travelling east out of the village. The site lies on the edge of the village and although separated from the existing properties on Mill Lane would still be considered to be within the confines of the village given the existing property on Mill Lane opposite the application site and the existing property on the northern side of the railway line.
- 5.3.2 Whilst the proposal will be highly visible from Mill Lane, due to the slight separation in built form from the existing properties to the West, the proposal provides the opportunity

to provide a stark and more individual property, as has been the case in the earlier permissions it seeks to supersede.

- 5.3.3 The height of the dwelling is relatively tall but would be relatively narrow which would help alleviate significant concerns regarding its visual prominence. The plans provided indicate that the footprint of the dwelling is almost identical to that of the approved scheme and is also similar in terms of height and scale. This proposal is smaller in width and offers a much higher quality of design than the previous scheme. For example there is a vertical emphasis throughout the design of the dwelling to react to the height and depth of the dwelling.
- 5.3.4 The materials proposed are again of a high quality with a use of brick and timber cladding as well as aluminium windows, cill detailing and natural slate roof. Whilst that would not immediately reflect that of the wider area, Policy H4 of the Neighbourhood Plan allows for sympathetic designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene.
- 5.3.5 There is a range of property types in the village and this would add another type to the mix and as such the proposal is considered to be visually acceptable. Full specification of materials can be controlled via a condition.
- 5.3.6 Landscaping has been indicated and can be conditioned for full details to be submitted to ensure adequate soft landscaping and planting features are proposed as well as retaining the existing hedgerows and trees on the boundaries.
- 5.3.7 The Frisby Conservation Area appraisal makes reference to this Mill House and that its associated grounds are well treed and contribute to the peaceful and tranquil atmosphere in this more remote part of the village. It is not considered that this is the case currently given the existing appearance of the site and views of the site are limited given the existing boundary treatments. As such the development of this site is not considered to erode this important characteristic to an unacceptable degree. In addition, there is open space retained within the site and soft landscaping features throughout.
- 5.3.8 Being of stark contrast to the listed building and a good distance from it is considered to result in the proposal having a neutral impact upon the listed building.
- 5.3.9 By virtue of the current appearance of the site and introducing new development on this untidy parcel of land, it could be considered that the proposal would overall improve the visual appearance of the site.
- 5.3.10 Overall, given the existing nature of the site, and the significantly differing appearance of the dwelling to the listed building, it is considered that the development would have a neutral impact upon the historic setting within which the application site sits.
- 5.3.11 In addition, the proposal is considered to be similar, but superior in design terms, to the previously approved development on the site for one dwelling. This application proposes various improved design features throughout as detailed above.
- 5.3.12 The existing hedgerow boundary treatment on the western boundary of the site is to be retained thus reducing the impact of the proposed development. The proposed carport has been amended to a two-bay open fronted timber framed car port in the style of a traditional cart shed. As such, this element is considered to have a neutral impact upon the setting of the listed building, given its open sided appearance.

- 5.3.13 The proposed garden room to the front of the site would be sat between the existing garage at the front of the site and the front elevation of the proposed dwelling, thus this element would be considered to be acceptable in the context of the wider site.
- 5.3.14 Due to the proposed dwelling's modest scale, and its siting within the plot combined with the use of suitable materials, and given the previous approval on the site, it is not considered that the proposed development would adversely impact on the character of the surrounding area.
- 5.3.15 Due to the separation distance and existing vegetation, the proposal is considered to have a neutral impact upon the setting of the nearby Grade II Listed Mill Lock and Bridge which is located to the north east of the application site on the northern side of the railway line.
- 5.3.16 LCC Archaeology have reviewed the application and does not consider that the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such, it is not considered that the proposal would adversely impact upon archaeological assets.
- 5.3.17 The application would not conflict with the provisions of policies EN1, EN4 or EN6 of the Melton Local Plan and would not result in the loss of high quality farm land.
- 5.3.18 The application would also not conflict with the provisions of Policies ENV1, ENV3, ENV6 of the Neighbourhood Plan given its location, siting and proposed appearance. It is not considered that the development would impact upon 'important view C' within Neighbourhood Plan Policy ENV7, given the site's siting adjacent to the existing Mill Lane away from the direct viewpoints identified in the plan.
- 5.3.19 The application site and proposed development is, therefore, considered to be appropriate in relation to landscape character and visual amenity

5.4 Impact upon Residential Amenities

- 5.4.1 The proposed dwelling is sited of a sufficient distance so as to not result in any adverse overlooking, overbearing or loss of light impacts upon the occupiers of the nearby property known as 25 Mill Lane which is located to the west of the application site. It is not considered that any other properties would be adversely impacted by the proposal. Sufficient amenity space is provided for the occupiers of the dwelling.
- 5.4.2 It is not considered that there would be significant impact on properties on Mill Lane from construction vehicles in respect of noise and disturbance, given the separation distance between the properties and the application site.
- 5.4.3 **The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

5.5 Highway Safety

- 5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

- 5.5.2 Policy H6 of the Neighbourhood Plan states that development should provide safe vehicle access to the site.
- 5.5.3 Access is provided to the front of the site which is considered to be suitable to cater for the development. Three off street parking spaces are proposed which is considered acceptable and turning space has been provided to allow vehicles to manoeuvre and leave the site in a forward gear.
- 5.5.4 As parking is provided within the site, it is not considered that the development would lead to on street parking problems in the vicinity. Concerns have been raised regarding the intensification of Mill Lane. The development of one dwelling in this location is not considered to result in an intensification of Mill Lane that would result in severe highway safety impacts. The Local Highways Authority raises no objections with the proposal.
- 5.5.5 The development would not impact upon users of the public footpath and the boundary treatment proposed would be acceptable.
- 5.5.6 **As such, subject to conditions the proposal would be acceptable in highway safety terms.**

5.6 Ecology

- 5.6.1 As the site and Mill Race itself is not wet, it is unlikely that otters or water voles would be impacted by the development. As such, no survey requests have been made and LCC Ecology raise no objection to the proposal.
- 5.6.2 **The proposed development complies with the relevant policies and advice within the NPPF relating to ecology and biodiversity**

5.7 Flood Risk/Drainage

- 5.7.1 A Flood Risk Assessment and Surface Water Strategy Report has been submitted in support of the application given its location of Flood Zone 3b (the functional flood plain).
- 5.7.2 The key mitigation measures and conclusions from the reports to ensure there is no subsequent increase in flood risk elsewhere are as follows :

The floor level of the proposed dwelling will be set no lower than 64.42mAOD, 0.6m above the peak flood level of 63.82mAOD in the 1%AEP+CC(HC) event at the location of the proposed dwelling.

The raised pedestrian footpath along Mill Lane will flood with an expected depth of 0.2 – 0.3m, which offers an appropriate access for the proposed use. To mitigate the residual risk to residents, a flood warning and evacuation plan has been included in Appendix E linked to an Environment Agency Flood Warning.

While the proposed house will impact on floodplain storage, a suitable level-for-level and volume-for-volume floodplain compensatory scheme is proposed, which provides nett betterment.

The increased impermeable area has the potential to increase runoff rates and volumes from the site. This risk will be mitigated by an appropriate SuDS drainage strategy as outlined in Section 4.3.2.

It is concluded that the proposed development is appropriate for the flood risk and is not expected to increase the flood risk elsewhere.

All surface water arising can be managed on site. Exceedence flows and flows arising from system failure can be accommodated on site. Run-off rates are controlled to as low an outfall rate as is currently technically feasible whilst minimising the risk of blockage

Surface water from the roofed areas will be directed to an area of bio retention planting.

All areas of hard standing on the site will be constructed using a permeable medium.

“off line” rainwater butt(s) to collect water for external use.

All SuDS on site will be installed with full consideration to long term maintenance.

5.7.3 The Environment Agency have commented on the revised reports stating that as the proposed development is sited in flood zone 3b (the functional flood plain), the application is therefore contrary to the NPPF. Notwithstanding this, the Environment Agency are aware that permission exists for this type of development at this location. If Melton Borough Council are minded to approve this application then conditions should be considered.

5.7.4 As the Environment Agency note, planning permission has indeed been granted for the proposed development in this location previously. Therefore it would be considered unreasonable to recommend refusal on this application on flooding matters given the history of the site. Therefore as a result, it is important to ensure that this proposal does not result in additional flood risk elsewhere, as demonstrated within the submitted Flood Risk Assessment.

5.7.5 Finished floor levels provided is considered acceptable as well use of Flood Warning Alerts to reduce the risk of flooding to the proposed development and future occupants and compensatory flood storage will be provided to ensure that there are no detrimental impacts to flood storage of flood flow routes in the vicinity.

5.7.6 As such, notwithstanding the siting within Flood Zone 3b, the development is considered to be acceptable in regards to Flood Risk and Drainage subject to condition securing the mitigation measures set out within the submitted Flood Risk Report.

5.8 Network Rail

5.8.1 The site is located in close proximity to the main railway line connecting Leicester to Melton Mowbray.

5.8.2 Network Rail no objection to the proposal in principle subject to a number of conditions and informatives.

6 Impact on Infrastructure

6.1 None.

7 Consultation & Feedback

7.1 A site notice was posted and neighbouring properties consulted. As a result 22 letters of objections were received from twelve properties.

8 Financial Implications

8.1 None.

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

- 9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation and being called into Planning Committee at the request of the Local Ward Member.
- 9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Deputy Monitoring Officer

10 Background Papers

- 10.1 16/00639/FUL
- 10.2 17/00498/FUL
- 10.3 17/00625/NONMAT
- 10.4 18/00479/NONMAT
- 10.5 The most recent approval on the site (18/00479/NONMAT) approved a dwelling of a similar size, height and scale as that is proposed within this application.

11 Appendices

- A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Recommended Planning Conditions
- D: Informatives
- E: List of applicable Development Plan policies

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Appendix A : Consultation replies summary

Parish Council:

Amended Plans Response

The Parish Council wishes to object to these amended proposals

1. The amended plan shows 3 buildings, the original had 2. A garden room has been added. The footprint of the building is larger than previously, although the main house is narrower, it is longer. This length means that the building is obtrusive to the adjacent public footpath for a significant distance.
2. The plan shows a decrease in bedrooms. 4 bedrooms are on the plan and a further significantly sized room, with full door and window, is titled as a dressing room. This appears to be a fifth bedroom by another name.
3. The design of the building is out of character with the adjacent listed building.
4. Since the initial permission for a smaller dormer bungalow, the bus service to the village had ceased. This has been replaced by a driver responsive service which reduces the sustainability of this site. The highways department have commented regarding the unsustainability of another proposed property on Mill Lane as there is no pedestrian footpath to the bus stop for a great length of Mill Lane. There now is no bus.
5. The access to the property has been subject to repeated, significant episodes of flooding since the previous application. The road was inaccessible by car and the depth of the water reached the level of the raised pedestrian footpath.

All previous Parish Council comments remain applicable.

Initial Response

Frisby Parish Council Members have considered the proposed new building application and, as a result, are opposed to this application for the following reasons:

The original planning application for this development was to demolish outbuildings and rebuild a two-bed bungalow. This small single storey building was not significantly intrusive and the application was approved by MBC. The design was later modified and re-submitted as a dormer bungalow, against the wishes of the community who felt that a two storey building was inappropriate in this historic and iconic area of the village.

Nonetheless, the application was approved.

This latest application is for a substantially greater increase in size, being for a five-bedroom property and detached garage.

This significant increase in size (both laterally and vertically) would dominate the immediate surrounding area, including the footpath and the historic Grade II listed Mill House, to which it is adjacent. It will be completely out of character.

The view along Mill Lane is beautiful, and an important part of Frisby's Conservation Area and village edge. The modern design and the height and size of the proposed building particularly the associated roof structure, would be unsympathetic and completely out of keeping with the character of the area, and other traditional

designed properties located on Mill Lane.

The proposed building does not comply with Frisby on the Wreake Neighbourhood Plan Policies H4 (Housing Design), or H6 (Windfall Sites), which state:

Policy H4

Sympathetic designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. Heritage assets and their setting will need to be preserved and enhanced through the layout, design and detailing of schemes.

The character, scale, mass, density and layout of the development must have regard to the characteristics of the surrounding area, including external roof and wall materials, and there must be no disruption to the visual amenity of the street scene or wide landscape views.

Policy H6 (part)

k) too large a house to fit in required housing mix.

o) doesn't provide a safe vehicular and pedestrian access (due to flooding events) and impact on congestion and pedestrian safety.

p) visual intrusion for neighbours and users of the footpath.

r) it is an area of flooding.

- This specific plot of land and the immediate surrounding area including Mill Lane itself, is prone to flooding. The original bungalow design was required to have an evacuation route as a result of the flood risk and this was conditioned. Such a substantial increase in building footprint and related landscaping has the potential to further increase the impact of flooding on other dwellings along Mill Lane.

- Where flooding has previously impacted this specific area (as recently as this summer), it has resulted in access to this plot and neighbouring properties, at the end of Mill Lane, being impassable, such that residents' vehicles were forced to park further up Mill Lane. This added to the congestion on what can be a heavily trafficked narrow lane.

- Irrespective of flooding, a larger property will inevitably result in a further increase in traffic movements, adding to the congestion on Mill Lane. Mill Lane, which is narrow, already serves 29 properties. Some 60 residents vehicles currently use the lane on a regular basis. In addition, the lane serves National Grid, Network Rail, equine stabling and allotments. In addition, walkers on nearby footpaths park their vehicles in the lane, and the past five years has seen a significant increase in home shopping deliveries.

- The original permit contained a condition that the hedge alongside the footpath should remain. Despite this, the owner removed it, with a consequent loss of amenity and ecological value. The current application appears to propose a close-boarded wooden fence. This is unacceptable. The hedge must be replanted with typical native hedge species.

- Finally, the Parish Council notes that the proposed boundary fence appears to encroach upon and impede the adjacent lane / footpath. This is unacceptable.

Parish Council strongly objects to this application.

Environment Agency:

The proposed development is sited in flood zone 3b (the functional flood plain). The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance and should not be permitted.

However, permission exists for this type of development at this location If Melton Borough Council are minded to approve this application then the following condition should be considered.

Condition The development to be carried out in accordance with the submitted flood risk assessment (prepared by RAB Consultants Limited referenced RAB_2401L, dated 20 February 2020) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 64.42 metres above Ordnance Datum (AOD) as detailed in section 4.1.1 of the FRA, and
- Compensatory flood storage shall be provided as detailed in section 4.3.1 and Appendix F of the FRA

Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To ensure that there are no detrimental impacts to flood storage or flood flow routes

Historic England:

No comments received.

Conservation Officer:**Network Rail:**

No objection subject to conditions.

LCC Highways:

No objection subject to conditions.

LCC Archaeology:

No objection.

LCC Lead Local Flood Authority:

Standing advice only.

LCC Ecology:

No objection.

Appendix B : Summary of representations received

Twenty-two letters of objections have been received from local residents raising the following concerns:

- Increase in size from approved development
- Unsympathetic addition to the street scene and surrounding area
- Boundary treatments unacceptable
- Impact upon the character of the area, dominant and oppressive proposal
- Impact upon heritage assets including conservation area and listed buildings
- Lack of ecology survey undertaken
- Flood Risk Assessment inadequate
- Development within the flood zone and subsequent increase in flood risk
- Existing parking and congestion in the vicinity and along Mill Lane
- Future applications may result in further additions
- Impact upon view to and from the village
- Proposal is too modern and therefore out of keeping with the area
- Elevated floor levels do not overcome concerns regarding flood risk
- Unacceptable removal of hedges and trees on the boundary and within the site

Appendix C: Recommended Conditions

1. The development hereby permitted 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 the Planning and Compulsory Purchase Act 2004.

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

726 003 J Detached Garage Proposed Floor Plans, Elevations and Site Plan
 762 001 L Proposed Floor Plans, Site Block Plan and OS Plan
 762 002 O Proposed Elevations, Site Plan, Site Block Plan and OS Plan
 received by the Local Planning Authority on 20 February 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

5. No development shall commence until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, 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.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

6. The development hereby permitted shall not be occupied until such time as the access arrangements and parking and turning facilities have been implemented in full in accordance with the approved 762 002 O Proposed Elevations, Site Plan, Site Block Plan and OS Plan received by the Local Planning Authority on 20 February 2020. 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 Policies IN2 and D1 of the Melton Local Plan and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

7. Prior to any ground works, any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be submitted to and approved in writing by the Local Planning Authority. The proposed changes to the boundary treatment must then be carried out in accordance with the approved scheme.

Reason: In the interests of protecting the Public Footpath and access in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies

H4, H6 and ENV8 of the Frisby on the Wreake Neighbourhood Plan.

8. The development shall be carried out in full accordance with the submitted flood risk assessment (prepared by RAB Consultants Limited referenced RAB_2401L, dated 20 February 2020) received by the Local Planning Authority on 20 February 2020.

Reason: To prevent adverse flooding impacts in accordance with Paragraph 163 of the National Planning Policy Framework 2019 and Policies H4 and H6 of the Frisby on the Wreake Neighbourhood Plan.

9. Notwithstanding the submitted details, no development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include, but not be limited to, the following points

- There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
- All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- There should be no connection to existing railway drainage infrastructure without agreement with Network Rail prior to work commencing on site.

The development shall take place in accordance with the approved scheme.

Reason: In the interest of safety of those using the railway network.

10. Prior to occupation of the dwelling hereby permitted, details of the proposed boundary treatment separating the application site with Network Rail's boundary must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment must be completed prior to occupation of the dwelling hereby permitted and remain in situ in perpetuity.

Reason: In the interest of safety of those using the railway network.

11. No development shall commence on site until a Method statements detailing the proposed method of construction, risk assessment in relation to the railway, management of construction traffic and details of any excavations/piling/buildings that will be located within 10m of the railway boundary has been agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of safety of those using the railway network.

12. Prior to commencement of development, details of proposed soundproofing for the proposed dwelling shall be submitted to and approved in writing to the Local Planning Authority. The approved soundproofing scheme shall be in

place prior to occupation of the dwelling and maintained in perpetuity.

Reason: To safeguard the future occupiers of the development from unacceptable noise and disturbance from the adjacent railway network.

13. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interest of safety of those using the railway network.

Appendix D : Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit End 2 or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river
 - on or within 8 metres of a flood defence structure or culverted main river
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure and you don't already have planning permission

For clarity, this would include at least the proposed bridging point over the mill race, and any bank stabilisation works.

3. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

4. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The site is adjacent to two user worked level crossings (Mill Deeping and Woods), neither of which the developer would have vehicular access over.
5. The safety of level crossings and their users is of paramount concern to us and it is essential that the crossing approaches remain clear and unobstructed at all times both during and after construction to ensure that traffic and pedestrians are able to leave the crossing area safely. Similarly any crossing signage must not be obscured during or after works, for example by the parking of vehicles on the crossing approaches.
6. Level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or the information is available online at <https://www.networkrail.co.uk/communities/safety-in-the-community/level-crossing-safety/>.
7. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
8. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.
9. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
10. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

11. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

12. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular approaches to the railway level crossing as indicated above.

13. Network Rail is required to recover all reasonable costs associated with facilitating these works.

14. The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Appendix E : Applicable Development Plan Policies

Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

Frisby on the Wreake Neighbourhood Plan

- Policy H1: Housing Provision
- Policy H3: Limits To Development
- Policy H4: Building Design Principles
- Policy H6: Windfall Sites
- Policy ENV1: Protection of Local Green Space
- Policy ENV2: Protection of Other Sites of Environmental(Natural and Historical) Significance
- Policy ENV3: Important Open Space
- Policy ENV4: Important Woodland, Trees and Hedges
- Policy ENV5: Biodiversity
- Policy ENV6: Ridge and Furrow Fields
- Policy ENV7: Protection of Important Views
- Policy ENV8: Footpaths and Cycleways
- Policy ENV9: Sustainable Development