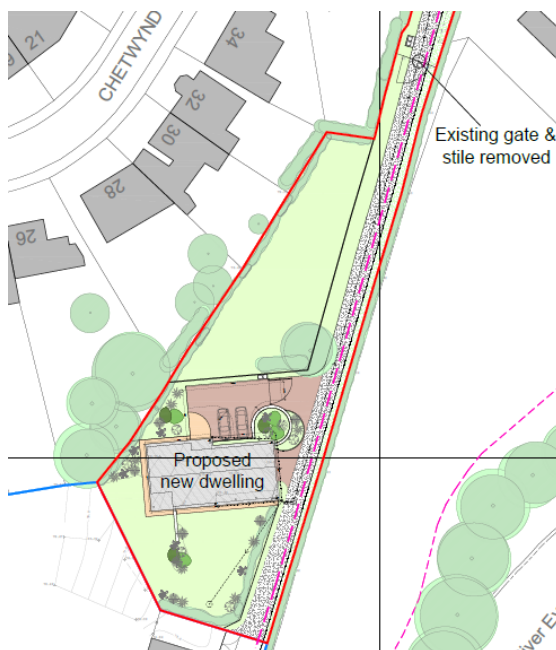


## 19/00707/FUL – Land At Butt Close, Adjacent Hay Barn, Riverside Road, Melton Mowbray - Construction of new dwelling

**Applicant:** Edren Homes Limited

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Egerton : Councillors Faulkner and Smedley
<b>Date of consultation with Ward Member(s):</b>	3 October 2019
<b>Exempt Information:</b>	None

### 1 Summary



- 1.1 The application site is approximately 0.19 hectares and currently comprises an unused parcel of land at the end of Riverside Road in Melton Mowbray. Land slopes down from north to south with the previously approved hay barn constructed further to the south. The proposed dwelling would sit on land between the existing properties on Chetwynd Drive and the hay barn to the south.
- 1.2 The properties on Chetwynd Drive consist of two storey semi detached properties which sit higher than the application site. A hedgerow including a number of trees separates the site from these properties.
- 1.3 Riverside Road is currently a footpath which is in the process of being upgraded to a bridleway under a separate, previously approved planning application, and as such, not under this application.
- 1.4 Access would be from Riverside Road to the north where it meets Asfordby Road. Parking would remain available for the hay barn to the south and access remains available from St Leonards Close for this.
- 1.5 A number of listed buildings lie further to the south west of the application site, on St Leonards Close. The application lies close to Sysonby deserted medieval village.
- 1.6 The application site currently sits in Flood Zone 1.
- 1.7 Amended plans have been received during the course of the application altering the design and materials of the proposed dwelling and providing an amended landscape and boundary treatments plan. Section drawings have also been provided showing the development and levels of the site in relation to the surrounding properties on Chetwynd Drive.

<b>2</b>	<b>Recommendation(s)</b>
<b>2.1</b>	<b>It is recommended the application is APPROVED, subject to:</b> <ul style="list-style-type: none"><li>• <b>Conditions as set out in Appendix B</b></li></ul>

### **3 Reasons for Recommendations**

- 3.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 3.2 The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archaeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **4 Key Factors**

#### **4.1 Reason for Committee determination**

4.1.1 This application is being considered by the Committee due to receiving more than 10 letters of objection which are contrary to the recommendation. **The application was deferred from the meeting of 30<sup>th</sup> April 2020 to allow for Members to undertake a site inspection (following obstruction experienced on the bridleway) and to clarify the status of the bridleway as a means of access.** These are addressed at para 5.5.2 – 5.5.4 below.

## 4.2 Relevant policy context

4.2.1 The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2.2 Adopted Melton Local Plan (MLP) 2011-2036

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

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

4.2.5 Please see Appendix D for a list of all applicable policies.

4.2.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

4.2.7 There is no 'made' Neighbourhood Plan which covers the application site.

## 4.3 Relevant history

4.3.1 17/00718/FUL - Hay barn and horse shelter – Permitted – 08.08.2017

4.3.2 The above application approved a relatively large, single storey hay barn and horse shelter on land immediately to the south of the application site. This has been constructed.

4.3.3 Notwithstanding the comments received, there are no other previous applications on the site or the adjoining field to the west.

## 4.4 Main issues

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

- Principle of development
- Impact upon the character of the area, existing landscape and surrounding area
- Impact upon heritage assets (Listed Buildings)
- Impact upon residential amenities of neighbouring properties
- Impact upon highway safety and parking
- Impact upon ecology
- Impact upon archaeology
- Flooding and drainage
- Climate change consideration
- Other issues

## **5 Report Detail**

### **5.1 Principle of development**

- 5.1.1 The site lies adjacent to an established residential area within the town of Melton Mowbray and in close proximity to the town centre. Policy SS2 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 and Melton Mowbray Main Urban Area is the priority location for growth and will accommodate approximately 65% of the Borough's housing need. Development will be expected to contribute positively to the provision of key infrastructure, including traffic relief within the town, to support its growing population and economy.
- 5.1.2 The application site is considered to be within the main built up part of Melton, in close proximity to the town centre, and in a highly sustainable location. The proposal would propose one dwelling on a visually poor parcel of land that could be considered to be having negative effect on the enjoyment of users of the public footpath.
- 5.1.3 Given the location within the town of Melton Mowbray, the principle of development for the erection of one dwelling is considered to be acceptable and would comply with Policies SS1 and SS2 Local Plan, subject to satisfying all other material planning considerations.
- 5.1.4 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

### **5.2 Impact upon the character of the area, existing landscape and surrounding area**

- 5.2.1 The land currently comprises a visually poor parcel of land to the south east of the existing properties on Chetwynd Drive and to the west of the existing public footpath. The proposed dwelling would be sited on land between these properties on Chetwynd Drive and the hay barn to the south. As such the proposed development of the land for one dwelling would to an extent 'infill' this parcel of land and would not appear unduly prominent or highly incongruous in the context of the surrounding area.
- 5.2.2 The application site is neither public open space nor is it identified as an important green space and indeed the land has no designation registering a specific importance.
- 5.2.3 Given the siting of the land behind the existing properties on Chetwynd Drive and to the south of Riverside Road, the land is not visible from Asfordby Road and is only visible from the public footpath. Limited views of the application site from St Leonards Close could be had, however this is hindered by the significant bank of land between the application site and St Leonards Close and the adjacent barn.
- 5.2.4 Therefore, views of the proposed dwelling would be restricted unless arriving from the north on the public footpath or from St Leonards Close to the south. Due to the land levels, when viewed from St Leonards Close, the proposed dwelling would be viewed against the backdrop of existing properties on Chetwynd Drive which sit significantly higher than the application site.
- 5.2.5 Due to the change in levels in the site, it is proposed to dig the dwelling into the site to reduce the prominence of the dwelling in the context of the surrounding area. This would allow the dwelling to appear to be a single storey property when viewed from the footpath from the north and would be two storey when viewed from the south – albeit the lower floor would partially hidden from view due to the existing hay barn, the existing raised land

to the south west and the proposed landscaping and boundary treatments on the southern boundary.

- 5.2.6 As such, the development is considered to be of an appropriate scale and well-integrated into the existing built form. Site section drawings indicate that the development would follow the rise in levels but would be significantly lower than the existing properties on Chetwynd Drive.
- 5.2.7 Although the proposal would be in close proximity to the adjacent footpath, the dwelling would be orientated at an angle to the footpath to soften the potential visual impact upon users of the footpath.
- 5.2.8 The surrounding properties are mixed in terms of style, design, scale and layout. With the application site located on land away from the immediately adjoining properties, it is proposed to provide a majority timber clad property which would reflect the existing hay barn to the south and the slightly rural setting with which the proposed dwelling would sit within. Stone is proposed for the lower ground floor of the property which again is considered acceptable. The proposed materials would be considered acceptable for this urban – rural fringe site with further details to be submitted via condition. The design of the house itself is again proposing to reflect the rural fringe setting within it sits.
- 5.2.9 Boundary treatments of the site are to remain soft and open, consisting of timber post and rail fences at a height of 1.2 metres and native hedge planting on the southern boundary and retention of the hedgerow on the north west boundary. Permeable block paving driveway is proposed on the northern part of the site however this is limited to as minimum as possible whilst ensuring sufficient parking and turning space is available. A full landscaping scheme is to be submitted via condition.
- 5.2.10 It is not considered that lighting would be excessive given that the proposal comprises the development of one dwelling only and parking is retained on the northern part of the site, away from the open areas to the south.
- 5.2.11 It is concluded that the proposal as revised has been largely designed to fit in to its surrounding context and providing a high level of soft landscaping. Given the siting of the proposal within a rural setting, and due to the high quality design proposed, it is considered necessary and reasonable to remove permitted development rights to ensure any additions do not have an adverse visual impact upon the surrounding area.
- 5.2.12 **Overall it is considered that the proposal would be acceptable and not have a detrimental impact upon the character of the area and therefore would comply with the relevant policies of the Melton Local Plan.**

### 5.3 Impact on heritage assets

- 5.3.1 The application site is not within a conservation area and would be sited approximately 130 metres and 145 metres from the listed buildings located to the south west of the application site – Grade II listed Riverside Cottage and Barn and Grade II listed Church of St Mary respectively.
- 5.3.2 As stated previously, views of the application site from the St Leonards Close (where these listed buildings sits) are restricted due to the large area of raised ground and the existing hay barn which sits between St Leonards Close and the application site. In addition, by digging the dwelling down, the proposal would not appear out of context within the surrounding area given the existing properties on Chetwynd Drive sitting higher than the application site.

- 5.3.3 Views from the public footpath towards the church and the listed buildings are not considered to be significantly impacted by the introduction of the dwelling given the existing raised ground and the significant separation distances involved. Only when users of the public footpath travel further south past the existing hay barn would the listed church and buildings become visible.
- 5.3.4 As such, due to the existing ground levels within and adjacent the application site and the separation distances, views of the aforementioned listed buildings would not be adversely impacted from the relevant viewpoints.
- 5.3.5 **Overall it is considered that the development would have a neutral impact upon the setting of the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. The proposal is therefore considered to accord with Policy EN13 and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 5.4 **Impact upon residential amenities**
- 5.4.1 The application proposes the erection of a two storey dwelling. The nearest residential properties to the site are located to the north west of the application site, nos. 26 and 28 Chetwynd Drive. Both properties sit significantly higher than the application site with their rear gardens dropping down toward to the application site. An existing hedgerow separates the application site to these properties, along with a number of trees.
- 5.4.2 The proposed dwelling would have a front elevation facing towards these properties however would be single storey only and as such afford no direct views over the private rear garden areas of nos. 26 or 28 Chetwynd Drive. Due to the levels and separation distances, it is not considered that the proposal would have a significantly adverse impact upon the residential amenity of these two properties in respect of overlooking, overbearing or loss of light. Although the parking area for the proposed dwelling is located on the northern side of the site, it is not considered that shining from car headlights would adversely impact upon these properties, given the level change, separation distances and the siting of the driveway.
- 5.4.3 Private amenity space is provided to the south of the proposed dwelling away from neighbouring properties. The proposed amenity space would be sufficient and private enough for the future occupiers.
- 5.4.4 Notwithstanding that loss of view is not a material planning consideration, the proposed dwelling would be set significantly lower than the properties on Chetwynd Drive, as indicated on the proposed section drawings. In addition there is a considerable distance between the existing properties and the proposed dwelling.
- 5.4.5 It is not considered that there would be any adverse impact upon any other residential properties given the separation distances involved. The limited number of additional vehicles using Riverside Road is not considered to impact upon the existing properties on Riverside Road.
- 5.4.6 **It is therefore considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.**
- 5.5 **Impact on highway safety and parking**
- 5.5.1 The application proposes the erection of one, 4 bedroomed property. Parking is provided within the site for 3 vehicles, one garage and two driveway spaces. Turning space is also

available to allow vehicles to manoeuvre and leave in a forward gear. As such, parking provision is considered acceptable for the proposed development.

- 5.5.2 It is proposed to access the development via the existing Riverside Road where it meets Asfordby Road. The Local Highways Authority considers that the development of one dwelling would add no major intensification to Riverside Road to the detriment of highway safety. It is considered that the existing road, and access onto Asfordby Road and relevant visibility from the access is acceptable and would be able to cater for the proposed development.
- 5.5.3 The access to the dwelling passes other residential properties and Riverside Road was until approximately 2015 the main access drive serving Riverside Farm & Riverside Cottage. Access to the farm was diverted to be off St Leonards Close in conjunction with residential development for renovation of these properties and construction of 3 new dwellings (15/00894/FUL). It is understood that vehicles may use bridleways with the owners permission, and in this case the applicant owns the land.
- 5.5.4 Riverside Road is to be a bridleway – E12a – which travels along Riverside Road and connects St Leonards Close with Asfordby Road. This upgrade from a public footpath to a bridleway was at the request of Leicestershire County Council in the approval of the application at St Leonards Close. The works to upgrade from a footpath to a bridleway are being undertaken, laying of stone and removing the gate on Riverside Road for example. A legal dedication agreement is to be signed securing the agreement however this has not yet been formally completed. Riverside Road has and always will be used by mechanised vehicles and this situation is not unusual and neither is the situation changing should this application be approved.
- 5.5.5 Consultation responses have been received from LCC Highways & LCC Rights of Way raising no issues with the application. I've attached again the LCC footpath plan as referred to above.
- 5.5.6 Concerns have been raised regarding disruption and impact from construction traffic. Whilst concerns are acknowledged, this is considered to be short term in nature and the development of one dwelling would not significantly impact upon highway safety or residential amenity. Any temporary stopping up / diversion of the public footpath would also need LCC Highways approval.
- 5.5.7 It is not considered that the additional vehicles from the development or construction traffic would adversely impact upon pedestrian or highway safety given the existing access arrangements where Riverside Road meets Asfordby Road.
- 5.5.8 Concerns have been received regarding the loss of the existing parking area for the hay barn. It has been indicated on the submitted plans that parking and turning area has been provided to the south of the hay barn with access from St Leonards Close.
- 5.5.9 The Local Highways Authority raise no objections to the proposal subject to a condition which requests that the applicant dedicates the proposed bridleway prior to occupation of the dwelling. It is not considered that this is either reasonable or necessary given the scale and nature of the development within this application. In addition, this has previously been agreed under a previous planning application and is indicated on the plans submitted within this application. Furthermore, the development is sited so as to not adversely impact upon users of the existing footpath. Vehicles exiting the garage would be at a slow speed so as to not impact upon pedestrian safety.

5.5.10 Concerns have also been raised regarding the existing state of Riverside Road and the maintenance of the road. Given the existing number of vehicles and properties using the road, it is not considered that one additional vehicle would result in additional maintenance issues to the detriment of the road.

5.5.11 **As such, the development is considered to be acceptable in terms of Highway safety concerns.**

## 5.6 Impact on Ecology

5.6.1 This application site falls within a potential Local Wildlife Site (historic). This indicates that the site was found to have biodiversity value when surveyed in the 1980s-90s. However, the application has been supported by a Phase 1 and Protected Species Survey which indicates that whilst some local wildlife site indicator species are present, this area of the site does not have sufficient indicators to meet the current local wildlife site criteria.

5.6.2 No protected species were recorded during the survey and the site was generally considered not to have potential to support protected species.

5.6.3 **As such, LCC Ecology raises no objections to the application and the development is considered to have no adverse impact upon ecological or biodiversity features.**

## 5.7 Impact on archaeology

5.7.1 The application lies close to Sysonby deserted medieval village (HER ref: MLE3963), a village included within the Domesday book but by 1807 only a hall house and a few cottages remained. Butt Close (HER ref: MLE3966) presumably marks the site of medieval archery butts where the village archers would have practiced. Recent works (HER ref: ELE10668) in 2017 close to the application site identified a 19th century metaled trackway leading to the church of St. Mary. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.

5.7.2 To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A suitable written scheme of investigation shall be submitted to the Local Planning Authority via condition.

5.7.3 LCC Archaeology raise no objections subject to a condition which recommends the provision of archaeological work to be undertaken prior to commencement of development. As such, it is not considered reasonable to refuse the application as a result of the lack of archaeological work or request that this additional work is carried out prior to determination of the application.

5.7.4 **Overall, subject to conditions, it is not considered that the application would have an adverse impact upon archaeological matters.**

## 5.8 Flooding and drainage

5.8.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding and as such, no significant concerns are raised in respect of flooding or drainage.

5.8.2 Concerns have been raised regarding the existing sewer network which runs through the application site. Whilst concerns are noted, drainage has been indicated and any impacts to the existing sewer network would be covered during the building control stage.

5.8.3 **As such, no concern is raised regarding drainage impacts resulting from the development.**

## 5.9 Climate change consideration

5.9.1 A sustainability statement has been submitted by the agent on behalf of the applicant in respect of climate change. The full document is available for members to view online however the highlights are bullet pointed below –

- The house has been located to the south of the site to optimise access to solar gain during the winter months
- The majority of the glazing is on the South façade
- Living spaces are located on the first floor where they can benefit from more solar gain
- Bedrooms and service spaces which have less demand for day/sun lighting are located on the ground floor
- The topography to the SW of the site will help to reduce prevailing wind speeds across much of the buildings surface
- Building is an elongated solar-orientated form
- A large proportion of the building envelope is set into the ground, so will have reduced heat losses (approx. 50% less)
- The plans have been drawn with thicker walls to allow for more insulation
- Timber cladding and timber frame-will store carbon
- Local stone–has low embodied carbon
- Profiled metal sheeting –can be reused/recycled
- Topography to the SW of the site will help to reduce prevailing wind speeds but still provide a good supply of fresh air
- The glazing proportion for the solar exposed elevations (E, S, W) is around 25% which is low risk
- Water efficient fittings and appliances can be specified at detail design stage
- Water butts can easily be incorporated into the design
- Electric charging points can incorporated in the garage
- The plan allows for flexible use, home office, lifetime homes, multi-generational living

5.9.2 **As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN8 of the Melton Local Plan.**

## 5.10 Other issues

- 5.10.1 Given the history of the site, it is considered reasonably necessary to condition that should contamination be found, details shall be submitted to the local planning authority via condition.
- 5.10.2 Smells or odour from the adjacent hay barn are considered to be limited and not adversely impact the future occupiers of the development.
- 5.10.3 Comments have been received regarding the setting of a precedent, potential for further development / expansion of the application proposal and development not in accordance with the approved plans. Each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.

- 5.10.4 Devaluation of adjacent properties is not a material planning consideration.
- 5.10.5 Concerns have been raised regarding the adjacent hedgerow and trees and potential impact upon neighbours due to the height of the hedge and safety should the trees fall over. The existing hedge and trees are existing and proposed to remain in situ. It is not considered that the development would result in adverse safety impacts or loss of light due to the height of the hedge. In addition, other legislation is in place which would allow neighbouring properties to request the hedge to be reduced in height.
- 5.10.6 Rights of access and ownership disputes are civil matters between the parties involved and are not material planning considerations.

## **6 Conclusion**

- 6.1 The development is considered to represent sustainable 'windfall' development and is considered acceptable in principle subject to all other material planning considerations. It is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and nearby heritage assets and would not have any adverse impact upon residential amenity, highway safety, ecology, archaeology, drainage to conditions securing further details.
- 6.2 **It is considered that the proposal would comply with the relevant policies of the Melton Local Plan and the overall principles of the National Planning Policy Framework.**

## **7 Consultation & Feedback**

- 7.1 Immediately adjoining occupiers were notified and a site notices posted at the site.
- 7.2 Approximately 28 letters of objections have been received from 17 separate addresses and these are detailed below.
- 7.3 The comments raised have been addressed in the report detail section.
- Existing boundary hedge should be retained at maximum height of 2 metres
  - Existing mobile home on the site not indicated on the plans, unclear about the future of the mobile home
  - Loss of parking area for the existing hay barn
  - Existing Riverside Road unsuitable and would fall into disrepair as a result of additional traffic
  - Access via St Leonards Close is not within the ownership/rights of access of the applicant
  - New building too large for the plot / overdevelopment
  - Out of keeping with the character of the area and surrounding properties
  - Visually intrusive to neighbouring properties
  - Loss of views from neighbouring properties
  - Permission is required from private Riverside Road access
  - Existing Riverside Road is in a poor condition
  - Impact from vehicles leaving the double garage onto users of the footpath
  - Lack of access for emergency vehicles

- Site located on a sensitive edge of Melton Mowbray
- Sets a precedent for future development on land to the south
- Site of archaeological interest
- Storm drain runs under the application site
- Adverse noise impact and loss of privacy on adjoining properties
- Existing road unsuitable for vehicles
- Previous applications refused on the site
- Application site is on covenant land for old sysonby village
- Additional development ahs impact upon local infrastructure
- The building could be hit by adjacent trees
- Inadequate parking
- Should be developed as a town dwelling, not agricultural
- Increased danger to hotel residents
- Reduced /impact upon natural habitats
- Lighting would impact upon neighbours and wildlife
- Devaluation of adjacent properties
- If approved, ground work and construction should be delayed until lock down and government restrictions keeping neighbours at home are lifted due to the potential noise and disruption

## **8 Financial Implications**

8.1 None identified

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

## **9 Legal and Governance Implications**

9.1 Legal implications have been included in the main body of the report. No specific issues are identified. This application is being considered by the Committee under the scheme of delegation within the Constitution due to receiving more than 10 letters of objection which are contrary to the recommendation. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **10 Background Papers**

10.1 None

## **11 Appendices**

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

**Report Author:**

**Andrew Cunningham, Planning Officer**

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<b>Chief Officer Responsible:</b>	<b>Jim Worley, Assistant Director for Planning and Delivery</b>
<b>Chief Officer Contact Details:</b>	01664 502359 jworley@melton.gov.uk

## Appendix A : Summary of Statutory Consultation Responses

### LCC Highways

- No objection subject to conditions.

### LCC Ecology

- No objection subject to conditions.

### LCC Archaeology

- No objection subject to conditions.

## Appendix B : Summary of Recommended Planning 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:

7785-01-00 Site Location Plan

received by the Local Planning Authority on 26<sup>th</sup> June 2019

7785-03-02 A Proposed Floor Plans and Sections

received by the Local Planning Authority on 9<sup>th</sup> January 2020

7785-03-03 A Proposed Site Plan

received by the Local Planning Authority on 27<sup>th</sup> February 2020

7785-03-01 D Proposed Block Plan and Elevations

received by the Local Planning Authority on 25<sup>th</sup> March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been 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 external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

4. Notwithstanding the submitted information, no development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted 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 development has a satisfactory appearance and 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.

5. Notwithstanding the submitted information, 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 development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 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 D1 and IN2 of the Melton Local Plan.

7. Prior to occupation of the dwelling hereby permitted, the existing gate to the vehicular access on Riverside Road as indicated on approved 7785-03-01 D Proposed Block Plan and Elevation shall be removed.

Reason: To protect the safe passage of users of the adjacent Public Right of Way in accordance with Policy IN2 of the Melton Local Plan.

8. If during development, contamination not previously identified is found to be

present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

9. No demolition/development shall take place/commence until a written archaeological scheme of investigation (AWSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the AWSI, no demolition/development shall take place other than in accordance with the approved AWSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A to E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and to ensure there would be no adverse impact upon the character of the immediate and wider area in accordance with Policies SS1 and D1 of the Melton Local Plan.

11. The residential curtilage of the dwelling hereby permitted shall be as defined on the approved 7785-03-01 D Proposed Block Plan and Elevation received by the Local Planning Authority on 25<sup>th</sup> March 2020.

Reason: To protect the residential amenity of surrounding properties in accordance with Policy D1 of the Melton Local Plan.

## Appendix C : Informatives

1. The Written Archaeological Scheme of Investigation (AWSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
2. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. The application should be drawn the recommendations within section 7 of the submitted protected species survey.

## Appendix D: List of applicable Development Plan policies

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new housing on a proportionate basis through allocated sites and the delivery of a proportion of windfall development, and allows smaller scale housing within or adjacent to

Service Centres and Rural Hubs.

- **Policy EN1 – Landscape** states that the character of Melton Borough's landscape and countryside will be conserved and, where possible enhance by ensuring new development is sensitive to its landscape setting and requiring new developments to respect existing landscape character and features
- **Policy EN2 – Biodiversity and Geodiversity** states that development proposals will protect and enhance biodiversity, ecological networks and geological conservation interests
- **Policy EN3 – The Melton Green Infrastructure Network** states that new development proposals will be supported where they retain and enhance important green infrastructure elements such as areas of geological and archaeological interest.
- **Policy EN6 – Settlement Character** states that development proposals will be supported where they do not harm open areas which; Contribute positively to the individual character of a settlement; Contribute to the setting of historic built form and features; Contribute to the key characteristics and features of conservation areas; and Form a key entrance and/or gateway to a settlement.
- **Policy EN8 – Climate Change** sets out that all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered, subject to considerations of viability.
- **Policy EN11 – Minimising the Risk of Flooding** sets out that development proposals do not increase flood risk and will seek to reduce flood risk to others.
- **Policy EN12 – Sustainable Drainage Systems** ensures that development proposals undertake surface water management and have acceptable run-off rates.
- **Policy EN13 – Heritage Assets** The Council will take a positive approach to the conservation of heritage assets and the wider historic environment
- **Policy IN2 – Transport, Accessibility and Parking** sets out that all new developments should, where possible, have regard to supporting and promoting an efficient and safe transport network which offers a range of transport choices
- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design.