



**Melton  
Borough  
Council**

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# Planning Committee

23 July 2020

Report of: Assistant Director for Planning and Delivery

## 19/00859/OUT - Field OS6260, Canal Lane, Hose: Proposed erection of 34 dwellings

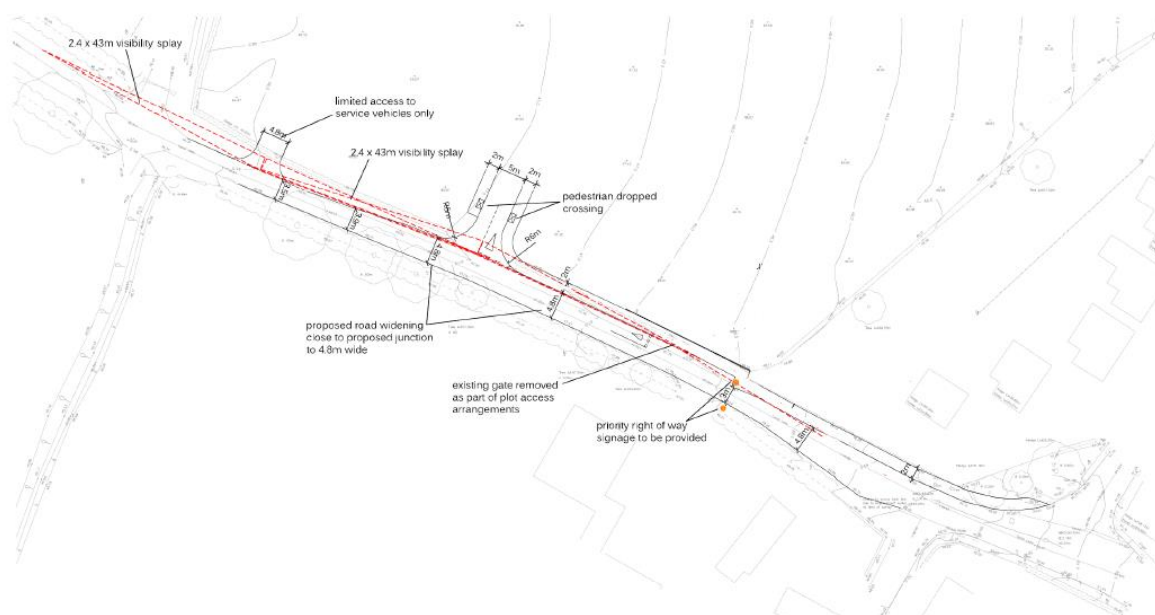
Applicant: Mr Adrian Kerrison, Plumtree Homes LLP

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Long Clawson and Stathern : Councillor C Evans and Councillor M Steadman
<b>Date of consultation with Ward Member(s):</b>	28 August 2019
<b>Exempt Information:</b>	None

### 1 Summary



- 1.1 The site measures approximately 2.1 hectares of former agricultural land located to the west of the village of Hose. Three accesses are proposed to Canal Lane, one main access serving the majority of the development, one further serving a number of properties fronting onto Canal Lane and a further which serves as maintenance access for the attenuation pond.
- 1.2 This application seeks outline planning permission for the erection of 34 dwellings **with all matters reserved except for access**. The access proposed is as follows;



- 1.3 Housing mix is currently **indicated** as the following and the applicants viability appraisal, addressed later in this report, is based on this mix:

**ACCOMMODATION SCHEDULE:**

Type:	Beds	Nos.
House	4	14
House	3	6
House	2	8
Bungalow	2	6
<b>TOTAL:</b>	<b>102</b>	<b>34</b>

- 1.4 An **indicative site layout** plan has also been provided to indicate how the site could accommodate 34 dwellings, however the layout and scale of these properties as shown on the site plan is not for consideration.
- 1.5 The application site is surrounded by residential properties to the east, and partly to the south, open fields to the north and a livery yard to the west. A public Bridleway runs along the track immediately to the west of the site, however this is not impacted by the

development. The Conservation Area of Hose lies to the south and very slightly opposite the application site.

- 1.6 The application site is allocated for housing within the Melton Local Plan (HOS1) with an estimated capacity of 42 dwellings. The site is also allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan for up to 41 dwellings (NPHOS1). As such, the site is also within the Limits to Development within the Neighbourhood Plan.

<b>2</b>	<b>Recommendation(s)</b>
<b>2.1</b>	<b>It is recommended that the Planning application is APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:</b>  <b>(i) Primary and secondary education provision.</b> <b>(ii) Contribution to sustainable transport options.</b> <b>(iii) Contribution towards waste services.</b> <b>(iv) NHS contribution</b>

### **3 Reason for Recommendations**

- 3.1 The application site is allocated for housing in the Melton Borough Local Plan and Neighbourhood Plan and two extant outline planning permissions have been granted previously for the erection of 41 dwellings. The principle of the development is considered acceptable subject to detail provided in a future reserved matters application.
- 3.2 Access from Canal Lane can be provided in accordance with Local Highway Authority Design Guidance and subject to conditions there would be no significant adverse impact on highway safety.

### **4 Key Factors**

#### **4.1 Reason for Committee Determination**

- 4.2 This application is being considered by the Committee in view of its scale and significance and that it is an allocated site in both the Local Plan and Neighbourhood Plan.
- 4.3 The application is also required to be considered by the Committee in respect to the contributions requested through completion of a Section 106 agreement.

#### **4.4 Relevant Policies**

- 4.4.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 4.4.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.
- 4.4.3 The Clawson, Hose and Harby Neighbourhood Plan was adopted in June 2018 and allocates the site for residential development, subject to various design and access criteria.
- 4.4.4 Please see Appendix E for a list of all applicable policies.

#### **4.5 Main Issues**

- 4.5.1 The main issues for this application are considered to be:
- Principle of development; compliance with Development Plan Policies.

- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on archaeology
- Impact on contamination/odour
- Impact on flood risk
- Implications on infrastructure
- Viability and affordable housing

## 5 Report Detail

### 5.1 Position under the Development Plan Policies

- 5.1.1 The site is adjacent to the settlement of Hose 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. Hose is identified in the Local Plan as a Service Centre and has a housing allocation with estimated capacity 42 dwellings 'HOS1'. This application proposes 34 dwellings.
- 5.1.2 The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village has passed a robust examination.
- 5.1.3 The Clawson, Hose and Harby Neighbourhood Plan allocates the site for up to 41 dwellings as 'NPHOS1'.
- 5.1.4 Other material considerations are the National Planning Policy Framework (NPPF) and the Hose Conservation Area Appraisal.

### 5.2 Principle of Development

- 5.2.1 The application site is allocated for housing within the Melton Local Plan (HOS1) with an estimated capacity of 42 dwellings. The site is also allocated for housing within the Clawson, Hose and Harby Neighbourhood Plan for up to 41 dwellings (NPHOS1).
- 5.2.2 In addition, two outline planning permissions have also been granted previously across the site (split into 2), for the erection of 25 dwellings (ref. 15/00944/OUT) and the erection of 16 dwellings (ref. 17/00401/OUT). Both outline planning permissions are still extant, however no reserved matters application has been submitted.
- 5.2.3 As such, the principle of the development was established by virtue of its allocation in both Local and Neighbourhood Plan and by previous outline planning consents.
- 5.2.4 **The scheme is to considered to be in accordance with Policies set out within SS2 and C1(A) (site allocations) of the Melton Local Plan. Clawson, Hose and Harby Neighbourhood Plan policy NPHOS1.**

### 5.3 Compliance with Development Plan Policies.

- 5.3.1 Policy H2 of the Neighbourhood Plan states that development of the application site will be supported provided:
- it is up to 25 plus 16 dwellings, limited to two storeys high;

- the layout is properly integrated between the two sites ;
- the integrated layout of the extended NPHOS1 & NPHOS1+ site allows space for the provision of possible future footpath and vehicular connection to the land to the north;
- the integrated layout for the extended site allows for off-road pedestrian access to the village by Canal Lane;
- all site boundaries are subject to tree and hedgerow retention and enhancement during the reserved matters application and construction

5.3.2 The majority of the above comments relate to the layout, siting and scale of the proposed dwellings and whilst an indicative layout/sketch plan has been provided these details are reserved matters which are not for consideration as part of this application.

5.3.3 Notwithstanding this, a pedestrian footpath will be provided at the front of the site to allow pedestrian connection to the existing village. Concerns raised regarding the connection to the land to the north is noted and will be fully assessed at detailed matters stage, however as this is outline (access only) this is not considered to be a reason for refusal. In addition, other matters should be considered, such as the retention and protection of the existing hedgerow to the north and whether the existing road network can cater of the proposed development.

5.3.4 Housing mix proposed is considered to be acceptable in line with Melton Local Plan Policies and the Neighbourhood Plan, however a condition would be imposed ensuring that the reserved matters application achieves the required housing mix.

#### 5.4 **Affordable Housing and Viability**

5.4.1 In terms of affordable housing provision, the following request has been made from the Council's Housing Policy Officer.

Based on the current Local Plan policies, the requirement would be 32% of the total number of homes. Therefore, the requirement would be 11 affordable homes out of the total 34 homes proposed.

If planning permission is given for this site with this affordable housing requirement, then, due to there being no affordable home ownership (AHO) in the village and a low amount in the parish (12 x shared ownership properties at Long Clawson), a 50%/50% split between AHO and affordable housing for rent would be appropriate. To encourage registered provider interest in the properties, because 11 homes is likely to be considered a low amount, any s.106 agreement should be written to allow for the properties, in the event the recommended mix cannot be achieved, to be transferred between tenure eg. to all shared ownership or to all affordable housing for rent. The s.106 would also need to allow for all of the properties to be sold as discounted market sale or for a financial commuted sum to be paid if RP interest cannot be obtained.

5.4.2 The financial contribution requirement resulting from the development for infrastructure (see section 6 below for details) totals approximately £145,000 and under Local Plan Policy C4 and on site affordable housing provision of 11 dwellings would also be required.

5.4.3 The applicant has submitted a financial viability assessment which concludes that the scheme would be unviable should the above requirements be included within the permission. The applicant states that the scheme would only be viable if the development provided the full off site financial contribution requirement and 8 affordable units. This assessment is based on an assumed housing mix (as set out at paragraph 1.3 above) but as an outline application there can be no certainty that this mix will be pursued as 'reserved



matters' (or that it will be found acceptable), and that the affordable housing will be 100% discount market housing at 80% OMV.

- 5.4.4 The Council has instructed an independent financial review of the applicant's viability assessment. Following a lengthy and detailed discussion between the parties, the independent financial reviewer has come to the conclusion that the scheme could potentially be viable when providing the full off site financial contribution requirements and full provision (11) affordable units, depending on the final configuration of the houses on the site and the type and tenure mix of the affordable units. .
- 5.4.5 It is considered inappropriate to conclude detailed viability analysis at 'outline' stage because there remains many variables. In keeping with the application's outline status, and in order to allow further consideration of viability when the scheme has developed into a detailed design, a condition is recommended to ensure that the affordable housing provision is detailed in a scheme to be submitted to the Local Planning Authority alongside full details.
- 5.4.6 The final tenure mix would not be specified within the S106 and would be determined at a later date once established in detail through 'reserved matters' in line with the comments from the Housing Policy Officer and circumstances (e.g. build costs and market conditions) prevailing at the time
- 5.4.7 The relevant financial contribution requirements for infrastructure are detailed in section 6 below.

## 5.5 **Impact upon the character of the area**

- 5.5.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design and Policy EN6 addresses settlement character in terms of valuable open spaces, the build form and the character of Conservation Area etc. Policy H7 of the Neighbourhood Plan also requires certain design criteria within new development proposals.
- 5.5.2 The application site is not public open space, it is not identified as 'important green space' or within an identified –'important view' within either the Melton Local Plan or Neighbourhood Plan. As such, there are no in principle issues resulting from its loss as agricultural land.
- 5.5.3 The layout provided at this outline stage is indicative and the appearance of the buildings and final layout would be assessed as part of any future reserved matters application. The indicative layout shows ample opportunity for the retention of the hedges and trees (except in the location of the vehicular access), together with enhancement of planting, open areas and the provision of an drainage attenuation area.
- 5.5.4 Permission would be subject to a landscaping scheme to provide visual enhancement together with biodiversity gains.
- 5.5.5 Policy EN6 of the Melton Local Plan states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement or form a key entrance and/or gateway to a settlement. It is acknowledged that this site is located on the western entrance to the village and the development of the site would alter its character.
- 5.5.6 However, it would be a smaller proposal than the combined outline permissions on the site and the indicative layout provided shows opportunity for a wildlife corridor and buffer to the existing hedgerow on the western end of the site.

5.5.7 In addition, there is an existing livery yard further to the west. The existing dwellings facing onto the site from Chapel Lane have an open outlook but do not present a remarkable or particularly sensitive character to the village approach. A well designed development on this site is therefore not considered to harm the character of the village or adversely affect gateway views. Furthermore, the proposed housing would be viewed against the backdrop and in the context of the existing village.

5.5.8 A small parcel of land opposite the site to the south falls within the Conservation Area of Hose. It is considered that a layout could be provided with an acceptable appearance and scale of dwellings that would relate to and reflect the character of the adjacent Conservation Area. Therefore, it is considered that the development would have a neutral impact upon the conservation area subject to the submission of a reserved matters application.

**5.5.9 Overall, subject to further detailed consideration at reserved matters stage, the proposals are considered to be acceptable on the grounds of impact upon the character of the area and complies with the above policies.**

## **5.6 Impact upon Residential Amenities**

5.6.1 The layout of the proposed dwellings is indicative.

5.6.2 The application site is currently undeveloped land adjacent to existing properties on Chapel Lane which have rear elevations facing towards the application sites. However, given the separation distances and subject to siting and scale of the proposed dwellings, it is considered that the site could accommodate 34 dwellings whilst maintaining adequate residential amenity for neighbouring properties in terms of outlook and privacy.

5.6.3 Subject to layout and siting of the dwellings, sufficient amenity space for the dwellings could also be provided.

5.6.4 Loss of a view and devaluation of adjacent properties are not material planning considerations.

5.6.5 The proposed development is adjacent to existing residential dwellings. As such construction activities – noise, vibration, dust and artificial light could adversely affect residential amenity. Environmental Health therefore recommends that a Constructional Environment Management Plan is to be submitted prior to commencement of development.

**5.6.6 Overall, it is considered that the proposal would comply with the relevant policies of the Melton Local Plan and Neighbourhood Plan which requires new development to ensure that the amenity of future occupiers and of neighbouring properties should not be compromised.**

## **5.7 Highway Safety**

5.7.1 The proposed development would result in the provision of 34 dwellings.

5.7.2 Following concerns a revised access plan has been provided showing two separate accesses to serve the site

5.7.3 The western access is proposed to be limited to service vehicles only, and is shown to have a width of 4.8m which is to be maintained for the first 5m behind the highway boundary, in accordance with the Leicestershire Highway Design Guide (LHDG). Notwithstanding that the layout details a 4m access radii; the radii should be 6m. A condition is therefore recommended to secure this.

- 5.7.4 The other site access is indicated to serve all the dwellings and has a 4.8m access width, maintained for the first 5m behind the highway boundary, with two 2m wide footways and 6m radii. This would be in accordance with the LHDG.
- 5.7.5 The extant agricultural access is to be permanently closed.
- 5.7.6 Both accesses have 2.4m x 43m visibility splays detailed and is considered acceptable in line with LHDG, subject to conditions securing the required visibility splays. Pedestrian visibility at both accesses is acceptable.
- 5.7.7 Previously, the Local Highway Authority advised the Applicant that a scheme of highway improvements, including road widening and an improved village gateway feature was required. Full details of these works are to be secured by condition.
- 5.7.8 The development site lies adjacent to Public Bridleway G36; it is not considered that the development should significantly affect the Public's use and enjoyment of the Right of Way.
- 5.7.9 Whilst layout is a reserved matter, sufficient off street parking could be contained within the site to cater for the development in line with the LHDG and the Neighbourhood Plan Policies.
- 5.7.10 LCC Highways have raised no concerns subject to conditions. It is therefore considered that the proposal would not result in severe highway impacts.
- 5.7.11 A Construction Traffic Management (CTM) Plan has been recommended to be submitted by condition to ensure suitable and safe passage of vehicles along the highway and to ensure there is no mud or excess material on the highway.
- 5.7.12 **As such, the development is considered to be in accordance with the relevant policies of the Melton Local Plan and the Neighbourhood Plan in respect of highway safety and parking.**

## 5.8 Ecology

- 5.8.1 The application has been supported by a Phase 1 Habitat Survey and Protected Species Assessment, Land Environmental Management Plan, Protected Species (Great Crested Newt) Survey and updated Great Crested Newt Survey Report.
- 5.8.2 This application site has been subject to a number of ecological surveys over the last few years and the surveys indicate that the site comprises improved grassland, surrounded by hedgerows. The updated Great Crested Newt Survey (Brindle & Green, July 2018) identifies that the on-site pond still supports GCN, with a medium population being recorded in the vicinity. The proposed GCN mitigation strategy contained within Table 8 of the GCN Survey is acceptable and compliance with this should be required as a condition of the development.
- 5.8.3 Whilst indicative, a revised layout plan has been provided which demonstrates a 10 metres buffer surrounding the ponds and 5 metre buffer between the development (including garden boundaries) and the boundary hedgerows. This buffer incorporates a wildlife corridor which would be in accordance with the provisions of Policy ENV7 of the Neighbourhood Plan.
- 5.8.4 As a result, there are not considered to be any adverse impact upon biodiversity, subject to conditions and the submission of further details at the reserved matters stage. LCC Ecology raise no objections subject to conditions and as such, **it is not considered that the development would result in any adverse impact upon biodiversity in accordance with the relevant policies of the Melton Local Plan and the Neighbourhood Plan.**



## 5.9 Archaeology

- 5.9.1 The application site is identified within the Neighbourhood Plan as a field with well-preserved ridge and furrow features. The application has been supported by a Desk-based Assessment (PCA Report Number: R12097) and a Written Scheme of Investigation. Whilst recent investigations have occurred to the north-east of the village, no new data has become available to significantly modify the conclusions drawn in the submitted Desk Based Assessment or to modify the evaluation approach proposed in the Written Scheme.
- 5.9.2 LCC Archaeology have assessed the submitted details as well as reassessing the available aerial photographic and LiDAR data for the site and states this information appears to show no observable change in respect of the site conditions - pasture, with relatively poor (plough damaged) ridge and furrow earthworks.
- 5.9.3 As such, LCC Archaeology recommends approval of the submitted documents and raise no concerns with the development of the site or loss of the field on archaeological grounds. Therefore, notwithstanding the identification of the site in Policy ENV5 of the Neighbourhood Plan it is considered that sufficient assessment has been undertaken in respect of archaeological grounds and the public benefit of delivering housing on an allocated site within both the Local Plan and Neighbourhood Plan would outweigh the loss of a site which is considered to be of a relatively poor nature.
- 5.9.4 Therefore, subject to conditioning the necessary archaeological programme outlined within the submitted written scheme of Investigation, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.

## 5.10 Contamination/Odour

- 5.10.1 The development land does not feature on Melton Borough Council's contaminated / strategic land databases; however agricultural land can be associated with a number of polluting activities that can pose a risk to residential end users. The applicant has advised that they are not aware that there has been any of the polluting activities indicated by Environmental Health. Therefore, Environmental Health recommends that should contamination be found at a later date, then a remediation statement is to be submitted to the Local Planning Authority for consideration. This is to be secured by condition.
- 5.10.2 Given the nature of the adjoining land uses, the applicant has submitted a preliminary odour assessment which has regard to the adjacent equestrian/livery yard to the west. Although no odour was noted at the time of the site visit, it is recognised that some odour might be discernible from time to time. Particularly during the summer months and with an unfavourable wind direction.
- 5.10.3 In addition to the equestrian centre, there is also a livestock farm some distance to the north with tanks of slurry needing to be stirred and pumped out when full which is a particularly odorous process.
- 5.10.4 Notwithstanding the above, Hose is a rural village and some agricultural odour is expected as part and parcel of rural life. To an extent existing residents will be accustomed to and tolerant of agricultural smells.
- 5.10.5 It is recommended that a condition is placed on the permission which ensures that should any contamination be present, then details should be submitted to the council for approval.
- 5.10.6 The developer is advised to discuss agricultural odours with prospective purchasers, especially those from non-rural backgrounds.

5.10.7 As such, Environmental Health does not object to this application on grounds of odour nuisance or contamination.

## 5.11 Flood Risk/Drainage

- 5.11.1 The site is located within Flood Zone 1 being at low risk of fluvial flooding. A Flood Risk Assessment has been submitted in support of the application.
- 5.11.2 Following the initial response from the Lead Local Flood Authority (LLFA), the applicant has provided an addendum to the Flood Risk Assessment and accompanying drainage strategy for the revised proposed dwellings (including attenuation calculations) and climate change factor amended to 40% in line with revised Environment Agency guidance (2016).
- 5.11.3 It is proposed that surface water from the development will be collected by a network of surface water sewers and swales into an attenuation basin before discharging to the watercourse 200 metres to the south. Attenuation of flows will be provided within the proposed surface water sewer system for storms up to a 1 in 100 year event (+30% allowance for climate change). The proposed surface water strategy will not increase flood risk at the site or elsewhere.
- 5.11.4 It is proposed that foul water from the development will drain via a pipe system to the existing combined foul sewer system located in Canal Lane beyond the sites south-east corner which drains into the existing pumping station to the south.
- 5.11.5 Consequently, the proposals are considered acceptable to the LLFA and no concern is raised regarding drainage, subject to conditions.
- 5.11.6 Whilst evidence of localised flooding nearby is acknowledged there is no reason to suppose that the development would exacerbate this subject to the robust provision of surface water drainage on the site.
- 5.11.7 As such, no concern is raised regarding drainage impacts resulting from the development, subject to conditions.

## 6 Impact on Infrastructure

- 6.1 A Section 106 Agreement relating to contributions towards education, sustainable travel, NHS and civic amenities is required as detailed below.
- Secondary education provision of £101,536.65
  - Civic amenity request of £2,810
  - Library request of £1,030
  - Sustainable travel provision of approximately £29,037
  - NHS funding of £10,308.04
- 6.2 This equates to a total financial contribution of £144,721.69 of which would ensure that the impact of the development on local infrastructure can be mitigated and the benefits of the proposal enhanced.

## 7 Consultation & Feedback

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

## 8 Financial Implications

8.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

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

## **Legal and Governance Implications**

**9** The application engages the statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.1

9.2 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Legal Advisor (Planning)**

## **Background Papers**

### **10**

10.1 15/00944/OUT (25 dwellings)

10.2 17/00401/OUT (16 dwellings)

### **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:

The Parish Council objects to this application as it does not comply with the Neighbourhood Plan:

- H1- This housing mix does not comply with either the Melton Local Plan or the Neighbourhood Plan (14 of the 34 dwellings are now intended as 4-bedroom dwellings);
- H5 & H6 - Only one starter home included;
- ENV4 & ENV6 – Mature ash trees have been removed from the hedgerow, damaging local biodiversity;
- ENV7 – A great crested newt survey should be undertaken;
- ENV8 – The view coming into the village from Canal Lane will be dominated by large houses on the highest part of the site;
- ENV9 – This area already suffers from flooding of the adjacent bridleway. This development would increase the risk of flooding so must include a Surface Water Drainage Strategy;
- T3 – The footpath should be inside the hedge as Canal Lane is already narrow single track with no footway.

There is no mention of a connecting access road to Harby Lane, which would decrease construction traffic movement through the village.

### Ward Member Councillor Evans:

The layout of the housing and road network leaves no alternative route for traffic except Canal Lane, resulting in all traffic having to go through the centre of Hose on already congested narrow roads.

I am also concerned over the level of protection given towards the ponds which are in the NP as one of only a limited number of breeding sites for the Great Crested Newt in this area. This will be even worse should the neighbouring allocated development site be developed on.

### Environment Agency:

No formal comments.

### Housing Policy:

Comments received as detailed in the report.

### LCC Archaeology:

No objection subject to conditions.

### LCC Lead Local Flood Authority:

No objection subject to conditions.

**LCC Highways:**

No objection subject to conditions and contribution request for Travel Packs; 6 month bus passes, two per dwelling; Improvements to the 2 nearest bus stops including raised and dropped kerbs to allow level access and £180 for a flag and pole; and Information display cases at 2 nearest bus stops.

**LCC Developer Contributions Education:**

Secondary Education Request of £101,536.65

**LCC Developer Contributions Libraries:**

Library services request for a contribution of £1030 (rounded up to the nearest £10).

**LCC Developer Contributions Waste:**

The County Council waste team state the proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain existing service levels. As such a developer contribution of £2810.00 is required

**East Leicestershire and Rutland Clinical Commissioning Group (ELR CCG)** is responsible for primary medical care for the population residing within this development under its delegated responsibility under co-commissioning.

As part of this responsibility, ELR CCG financially support estates infrastructure based on need but limited by budgetary constraints. In order to manage the estates provision effectively ELR CCG will continue to request s106 contributions.

Total funding request of £10,308.04.

**LCC Ecologist:**

No objection subject to conditions.

**MBC Environmental Health:**

No objection subject to conditions.

**Appendix B : Summary of representations received****Neighbours:**

Nine objections have been received from local residents on the following grounds:

- The traffic generation from the proposed development has not been properly considered, and lack of an access road proposed to Harby Road
- Additional traffic down Canal Lane would have adverse impact upon highway safety
- Existing roads unable to cater for the development
- School not of sufficient capacity to cater for the development



- Impact upon the character of the area
- Impact upon wildlife and biodiversity
- Devaluation of adjacent properties
- Loss of view and privacy from adjacent properties
- Flooding and drainage implications
- Loss of rural identity by additional development in the village
- Poor layout and mix of housing
- Bungalows in the centre of the site are unsuitable for access to public transport

## Appendix C: Recommended Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

Appearance

Landscaping

Layout

Scale

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

Reason: To ensure a satisfactory appearance and impact of the development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.

Reason: To cater for a range of housing needs and to accord with Policy C2 of the Melton Local Plan, Policy H5 of the Clawson, Hose and Harby

Neighbourhood Plan.

4. Construction work on no more than 50% of the dwellings shall commence on site and no dwellings shall be occupied until the detail of arrangements for the provision of affordable housing equating to 32% of the quantum of the development (11 units) have been submitted to and approved in writing by the Local Planning Authority. The details shall include;
- (a) the numbers, type and location of the affordable housing provision to be made as part of the development;
  - (b) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
  - (c) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing provision, and the means by which such occupancy criteria shall be enforced.
  - (d) the timing of the construction of the affordable housing provision and its phasing in relation to the occupancy of the market housing;

The requirements of the approved detailed arrangements will be complied with in implementation of the planning permission

Reason: To secure the provision affordable housing and to ensure a satisfactory standard of control over the occupation of the affordable units as required by Policy C4 of the Melton Borough Local Plan and Policy H6 of the Clawson, Hose and Harby Neighbourhood Plan.

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

Location Plan drg. no. PL-001  
received by the Local Planning Authority on 1 August 2019

Proposed Highways Access drg. no. PL-002B June 2020  
received by the Local Planning Authority on 3 July 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

6. 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 H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

7. 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 H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan.

8. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policies SS1, SS2 and D1 of the Melton Local Plan and Policies H1, H2 and H7 of the Clawson, Hose and Harby Neighbourhood Plan

9. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

Reason: In the interests of visual amenity in accordance with Policies D1 of the Melton Local Plan and Policies H1 and H2 of the Clawson, Hose and Harby Neighbourhood Plan.

10. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose

and Harby Neighbourhood Plan.

11. Development shall not begin until details of design for off-site highway works being the access arrangements, footway and priority right of way scheme shown generally on drawing number PL-002B have been approved in writing by the local planning authority; and no dwelling in the development shall not be occupied until that scheme has been constructed in accordance with the approved details.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at each site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

13. The gradient of the proposed central access road shall not exceed 1:30 for its first 10 metres. The gradient of the western service access and eastern shared vehicular crossover access, shall not exceed 1:20 for their first 5 metres.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

14. Notwithstanding the submitted information, before first occupation of the development hereby permitted, the eastern service access to the site shall be provided with 6 metre control radii on both sides of the access.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

15. Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so

maintained.

Reason: Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

16. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, in accordance with Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

17. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each 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 Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

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

Reason: 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 Policies D1 and IN2 of the Melton Local Plan and Policies T1, T3 and T4 of the Clawson, Hose and Harby Neighbourhood Plan.

19. Any reserved matters submitted in relation to layout under condition 2 should provide for the retention of a minimum of a 4-5M buffer between the development (including garden boundaries) and the boundary hedgerows.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose



and Harby Neighbourhood Plan.

20. The development shall be carried out in full accordance with the Great Crested Newt mitigation strategy contained within Table 8 of the Great Crested Newt Survey (Brindle & Green, July 2018) received by the Local Planning Authority on 1<sup>st</sup> August 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

21. The development shall be carried out in full accordance with the recommendations of the Phase 1 Habitat Survey & Protected Species Assessment (Brindle & Green, November 2015) received by the Local Planning Authority on 1<sup>st</sup> August 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

22. Protected species surveys are to be updated in support of either the reserved matters application if this occurs after June 2021. The surveys shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

23. The development shall be carried out in full accordance with the recommendations of the ecological management plan (Brindle and Green February 2020) received by the Local Planning Authority on 17 June 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy EN2 of the Melton Local Plan and Policies ENV4 and ENV7 of the Clawson, Hose and Harby Neighbourhood Plan.

24. No development shall take place other than in accordance with the approved Written Scheme of Investigation (Pre-Construct Archaeology Ltd, April 2016; Rev: October 2019) received by the Local Planning Authority on 18<sup>th</sup> October 2019.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan and Policy ENV5 of the Clawson, Hose and Harby Neighbourhood Plan.

25. 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. Thereafter the requirements of the approved scheme shall be implemented

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

26. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the requirements of the approved scheme shall be implemented

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019.

27. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term management and maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the requirements of the approved scheme shall be implemented

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with Policy ENV9 of the Clawson, Hose and Harby Neighbourhood Plan and the National Planning Policy Framework 2019..

28. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with. Thereafter the requirements of the approved Remediation Method Statement shall be implemented

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.

29. In the event that it is proposed to import soil onto site in connection with

the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be imported onto and used on site.

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.

30. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- I. Procedures for maintaining good public relations including complaint management, public consultation and liaison
- II. Arrangements for liaison with the Council's Environmental Health Team
- III. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - 07:00 Hours and 19:00 Hours on Mondays to Fridays and
  - 08:00 and 13:00 Hours on Saturdays and
  - at no time on Sundays and Bank Holidays
- IV. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- V. Mitigation measures as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise and vibration disturbance from construction works.
- VI. Procedures for emergency deviation of the agreed working hours.
- VII. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Thereafter the requirements of the approved Construction Environmental Management Plan shall be implemented

Reason: To secure the satisfactory development of the site and comply with Policy D1 Adopted Melton Local Plan.

## 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. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

3. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. Prior to construction, measures should be taken to ensure that users of the Public Bridleway are not exposed to any elements of danger associated with construction works.

5. 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.

6. 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.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
8. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
9. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
10. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

11. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
12. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>



Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

## **Appendix E : Applicable Development Plan Policies**

### **Melton Local Plan:**

- Policy SS1 Presumption in Favour of Sustainable Development
- Policy SS2 Development Strategy
- Policy C1(A) Housing Allocations
- Policy C2 Housing Mix
- Policy C9 Healthier Communities
- Policy IN2 Transport, Accessibility and Parking.
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets

### **Clawson, Hose and Harby Neighbourhood Plan:**

- Policy H1: Housing Provision
- Policy H2: Housing Site Allocations For 2016 to 2036 - NPHOS1 & NPHOS1
- Policy H5: Housing Mix
- Policy H6: Affordable Housing Provision
- Policy H7: Housing Design
- Policy ENV4: Biodiversity
- Policy ENV5: Ridge and Furrow
- Policy ENV6: Woodland, Trees and Hedges
- Policy ENV7: Protection of Great Crested Newts and their Habitats
- Policy ENV9: Flooding
- Policy T1: Public Transport
- Policy T3: Pavements, Footpaths, Cycle and Bridleways
- Policy T4: Parking
- Policy DC1: Developer Contributions

### **Other**

- National Planning Policy Framework (February 2019)
- Affordable Housing and Housing Mix SPD (July 2019)