



## **20/01388/REM Appearance, landscaping, layout and scale of development at the site comprising 70 dwellings and associated infrastructure (Outline Consent 19/01371/VAC) Spinney Campus - Brooksby Melton College, Melton Road, Brooksby**

### **Applicant: Bloor Homes East Midlands**

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Ronan Browne (Frisby on the Wreake)
<b>Date of consultation with Ward Member(s):</b>	27 April 2021
<b>Exempt Information:</b>	No

### **1 Summary**

- 1.1 The application site is located adjacent to and accessed directly off the A607, Melton Road in Brooksby. Located in the open countryside as designated in the Local Plan, it is also situated within the Hoby and Rotherby Parish in the Frisby On The Wreake Ward. The site is currently unused and overgrown although occupied by a number of vacant, derelict buildings associated with and formerly used for by Melton Brooksby College for educational purposes.
- 1.2 There is a bridleway running through the site. Ground levels fall from the site entrance to the rear of the site which is bordered on 2 side by open fields, one side by the A607 Melton Road and the final side by a quarry.
- 1.3 Outline permission with access was sought for the mixed use redevelopment of the site for up to 70 dwellings, B1 development up to 850 sq.m. and village shop 100 sq.m. (A1) in both 20125 (LPA ref 15/00246/OUT) and 2016 (ref 16/00920/OUT). The submission made in 2015 was appealed following the non-determination of the application and subsequently allowed on appeal.

- 1.4 The 2016 submission was refused on the grounds of it resulting in the erection of residential dwellings in an unsustainable location, with limited local amenities and facilities. Following the development being allowed, a further submission was made in 2019 under re 19/01371/VAC for the removal of the condition relating to the provision of the industrial units and shop which was approved.
- 1.5 The submission made, and as amended, relates to the outstanding reserved matters of layout, scale, appearance and landscaping in association with the permission following the removal of condition approved in May 2020.



<b>RECOMMENDATION(S)</b>
1. Approve subject to conditions

**2 Reason for Recommendations**

- 2.1 The application site benefits from outline planning permission with access for residential development comprising up to 70 dwellings. The principle of the access and the number of units proposed were approved at the outline stage.
- 2.2 The proposal, as amended following negotiations, would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale and would not unduly compromise residential amenity.

2.3 The scheme is considered to be respectful of, and responds to, the topography of the site with limited intrusion upon the landscape arising from engineering works. It is considered that the proposal would fit in with and enhance the site in a positive manner.

2.4 The scheme is considered to satisfy the requirements of the applicable Local Plan and Neighbourhood Plan policies, including Policy 15 specifically applicable to this site.

## 2.5 **Key Factors**

### 2.6 **Reason for Committee Determination**

2.6.1 The application is required to be presented to the Committee due to the number of objections received exceeding 10 and the application being a reserved matters application where the outline was determined by the Planning Committee following an earlier appeal.

### 2.7 **Relevant Policies**

2.7.1 The Melton Local Plan (LP) 2011-2036 was adopted on 10 October 2018 and is the Development Plan for the area.

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

2.7.3 The Hoby and Rotherby Neighbourhood Plan (NP) was successful at Referendum in May 2021 and is only a single stage from attaining full weight (only formal 'making' remains, which is in hand).

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

## 2.8 **Main Issues**

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

- Layout
- Scale
- Appearance
- Landscaping
- Highway Matters within the site
- Ecology
- Flooding/Drainage
- Housing Mix

## **3 Report Detail**

### 3.1 **Position under the Development Plan Policies**

3.1.1 The site is in the open countryside and is not identified in the Local Plan for re-development from purposes associated with Brooksby Melton College.

### 3.2 **Principle of Development**

3.2.1 The site is situated in the open countryside and is not identified in the Local Plan for re-development. Planning Application 15/00246/OUT for the re-development of the site comprising residential dwellings, a village shop and B1 uses with access was allowed on appeal notwithstanding planning permission reference 16/00290/OUT having been

refused. Permission 19/01371/VAC was granted in June 2020 and represents the extant outline planning permission to which these reserved matters relate.

3.2.2 The principle of the re-development of the site for purposes including residential has therefore been established as acceptable. This outline approval has a section 106 legal agreement associated with it – this is not affected by this application.

3.2.3 The Neighbourhood Plan, recently successful at Referendum, includes Policy 15, a Design Brief for Brooksby Spinney. This requires a maximum of 70 houses, the requisite quantity of affordable units, a legible street hierarchy, orientation of buildings to take advantage of solar gain, create a coherent ‘sense of place’, design variety, reinstate the spinney and incorporate open spaces, together with a series of detailed design and sustainability measures. These are addressed in the subsequent paragraphs.

### 3.3 **Layout**

3.3.1 Following consideration of the plans submitted for consideration, an amended site layout plan has been provided. It details the access into the site from the position approved in the outline submission allowed on appeal with the proposed road running parallel and adjacent to the site’s South-West elevation for a distance before turning east toward the eastern boundary prior to running South-East. Toward the South-Eastern corner of the site a section of road runs west. A number of sections of road with the appearance of private roads break off from this main route.

3.3.2 At the site entrance the existing trees will remain that will be supplemented with additional trees that, together with the public open space on both sides of the estate road provide a soft entrance to the proposal. It is after these areas of public open space that the dwellings begin with those sited at the edge of the open space front toward the front of the site.

3.3.3 Within the area of the site where the dwellings are located, the layout has been arranged in a manner to ensure that the frontages of the dwellings face the proposed roads and road junctions, with only a small number of the proposed dwellings facing toward a site boundary. It has also been laid out in a manner to ensure that all of the dwellings have parking provision in the form of either garaging or open parking.

3.3.4 In its current form, the site is overgrown with a number of derelict, unused buildings formerly used by and associated with the college. These are laid out in a regular, ‘grid-iron’ manner that when coupled with the overgrown landscaping on-site contributes little visually to the character and appearance of the area.

3.3.5 Based on the amended plan being, the layout has been orchestrated in a manner that positively adds and enhances the character and appearance of the area. Affording good levels of space around the site entrance which follows through the roads in the scheme, it can also be seen that good levels of space has been incorporated into the dwellings by way of high levels of private rear garden amenity areas.

3.3.6 Within the layout, both soft and hard landscaping have been taken into account and are considered to contribute to the positive, enhanced setting and character of the development.

3.3.7 The bridleway is accommodated near to the west boundary of the site and its use will not be significantly impeded by the development. NP Policy 3 relates to Public Rights of Way

seeking their protection and enhancement, which it is considered is achieved by this layout.

3.3.8 Overall, therefore the proposed layout is considered to be acceptable and compliant with policy D1 and EN1 of the Local Plan and Policies 1, 4 and 15 of the Neighbourhood Plan.

### 3.4 **Scale**

3.4.1 Within the development, the submitted details in respect of the dwellings show that those proposed are two-storey in height with pitched roof above. The garages, where detached from the dwellings, are single storey in height with dual pitched roofs.

3.4.2 Assessing these various house and garage types against the existing dwellings in the immediate area (those adjoining the site) as well as wider area, shows that they are all of a scale in-keeping with the immediate and wider local environments. This enables them to fit in with the locality in an appropriate and respectful manner so that there will be no adverse or detrimental impacts on the character and appearance of the area. The development is considered to accord with Local Plan Policy D1 and NP Policy 1 and 15 in relation to scale.

### 3.5 **Appearance**

3.5.1 The dwellings proposed are of a variety of designs and appearances as well as proposed to be constructed of a mixed material pallet details of which have been provided as part of the submission. The various dwellings types submitted for consideration in this reserved matters submission, as well as the 3 different detached garage types also proposed, all have elements in feature with the existing dwellings in the immediate area enabling them to fit in with the existing residential dwellings in the area. Further, they also have elements of difference which serves to introduce elements of variety in the locality that are welcomed as it will contribute to the enhancement of and increased variation in the area.

3.5.2 Within the various elements of the development, the proportions, bulk and massing of the built elements are respectful of each other while also in-keeping with the site layout, roads, footpaths etc.

3.5.3 Taking the above into account alongside the proposed site layout with the use of existing and proposed planting to the front of the site alongside open space, it creates a form of development that is screened from the main road on entry. Furthermore, it provides a visual improvement to the benefit of amenity for future residents as a result of the good site layout of the development proposed that enhances the character and appearance of the area. The development is considered to accord with Local Plan Policy D1 and NP Policy 1 and 15 in relation to its appearance.

### 3.6 **Landscaping**

3.6.1 Both hard and soft landscaping details have been provided as part of the application with up-dated plans also having been provided through the consideration of the submission.

3.6.2 The hard landscaping across the site covering roads, driveway and footpath comprises a mixture of tarmac and buff coloured pavers although a couple of other materials are used on the edging of tarmac areas. Looking at the soft landscaping across the site, the drawings provided set out full details for all soft landscaping including different grass types, a wildflower meadow mix and gravel mulch whilst also providing a detailed specification of all planting in the form of plant types and numbers.

3.6.3 Following an assessment and consideration of the landscaping details, it is considered that they will all work well with each other and contribute positively to the setting and character of the development. This includes the retention of almost all of the prominent trees on the site – especially those towards the frontage which make the strongest contribution to public amenity and their reinforcement with additional new planting in the adjacent open spaces. They are therefore considered to be acceptable in landscape terms and the objective of NP policy 15..

### 3.7 Housing Mix

3.7.1 Table 8 in the Local Plan sets out the optimum housing mix requirements for market and affordable housing in the Borough where for market housing the optimum breakdown is as follows;

	1-bed	2-bed	3-bed	4+bed
Market	5%	30%	45 – 50%	15 – 20%

3.7.2 The proposal has a housing mix as follows;

	1-bed	2-bed	3-bed	4+bed
Market	0 (0%)	17 (26%)	28 (48%)	19 (30%)

3.7.3 From this breakdown it can be seen that the proposal is the number of 1 and 2-bed units falls below the optimum mix, with 3-bed units falling 1% below the optimum level with the number of 4+ bed units exceeding the optimum mix by 10%.

3.7.4 An assessment of the floor plans for the dwellings shows a number of dwellings with rooms annotated as a study or home office. This has been highlighted in the objections raised and in response to this point, there are 2 points of note. The rooms are of sizes that are capable of being used as bedrooms as part of the dwellings within which they are located. Assessing the floor spaces of these against the national space requirements has detailed that the dwelling, using these studies / home offices as bedrooms, would meet the space standards. It is accepted and acknowledged that taking the plans at face value with the home offices / studies are, on recent circumstances, to be used for these purposes. However, it should also be noted that they could be used as bedrooms in which case the standards would still be met.

3.7.5 Based on recent circumstances beyond the control of the planning system, there has been a notable increase in the amount of home working with reports suggesting this is likely to be a more common approach in respect of businesses where such working practices can be undertaken.

3.7.6 While the plans annotated to this effect are taken at face value as being a study or home office, from a planning perspective no control can be utilised to ensure their use for such home working practices should permission be granted. Given that they could be converted to a bedroom – or any other room – without the need for planning permission, they have also been assessed as additional bedrooms which does have an effect on the housing mix and parking.

3.7.7 The parking provision would continue to be acceptable were these rooms converted to bedrooms. Furthermore, the provisions of table 8 of the Local Plan identifies the mix as being the optimum mix and in the consideration of this application taking account of the relevant considerations, the extent to which the housing mix deviates from this 'optimum' is considered to be acceptable.

### 3.8 **Impact on the Character of the Area**

3.8.1 The site is currently an un-kempt overgrown parcel of land with unused, redundant and dilapidated buildings formerly used in association with the educational use of the site. As a result of the lack of use or maintenance of the site in recent years, officers consider its current state has a detrimental impact on the character and appearance of the countryside including especially from the bridle way that runs through the site itself.

3.8.2 As proposed on the amended plans, there would be a significant improvement in the visual character and amenities of the locality. Although it will introduce greater numbers of buildings, it will have greater improvements that along with the other provisions mentioned elsewhere, on balance, will be of significant benefit to the area, in accordance with Policy EN5.

### 3.9 **Impact on Residential Amenity**

3.9.1 At present existing dwellings are located to the front and rear of the site adjacent to the site's boundary. The amended layout is such that the dwellings proposed adjacent and in proximity to these current dwellings will not result in any undue overlooking or loss of privacy to the detriment of their existing amenity. As can be expected with a development of this size, the number of dwellings and their use including associated vehicular movements will increase noise levels although this is considered to be within acceptable levels so that a refusal on these grounds is not considered to be justified.

3.9.2 Looking at the layout of the proposed dwellings in relation to each other and the size of the respected units and plots themselves, they are all reasonably sized buildings and plots that are all afforded good levels of private amenity space for the benefit of future residents. The positioning of the dwellings in relation to each other has been arranged in a manner that does not result in any overbearing or domineering effects on neighbouring sites. Furthermore, the location of openings in the dwellings are positioned so as not to result in any overlooking or loss of privacy.

### 3.10 **Highway Safety**

3.10.1 The Highway Authority has commented on the application raising a number of items needing further clarification. This has resulted in an up-dated revised proposed layout plan being provided alongside written clarification on a number of the points addressing these points.

3.10.2 At the time of writing, we are awaiting formal comments from the Highway Authority conforming that the amendments are now acceptable. Upon receipt, an up-date will be provided.

### 3.11 **Ecology**

3.11.1 Due to the sites rural location in the countryside, Leicestershire County Council Ecology have been consulted on the proposal. Having assessed the submitted details on the scheme, they have advised that they have no comments or objections to the proposal with

the layout and landscaping being acceptable including due to the use of native planting in the open space.

3.11.2 On this basis the proposal would, from an ecological perspective, comply with the provisions of policies EN1 and EN2.

### 3.12 **Flood risk/drainage;**

3.12.1 The submitted details in respect of the reserved matters have been assessed by Leicestershire County Council in their capacity as the Lead Local Flood Authority (LLFA). Following their assessment they have commented that the proposal raises no concerns. They have highlighted that the other conditions relating to drainage will need to be discharged at which point they will need to be consulted.

3.12.2 On this basis it is considered that based on the submitted details the proposal will not impact on flood risk or drainage.

### 3.13 **Sustainability matters (NP Policy 15; Local Plan Policies EN 8 -10)**

3.13.1 The development will meet a compliance level in excess of Part L1A of the Building Regulations (2013), which will be achieved solely through the use of improved energy efficiency measures such as improved thermal fabric efficiency, air tightness and effective heating controls.

3.13.2 Gas heat recovery systems are proposed which recover heat from waste flue gases to preheat the cold water entering the boiler, lowering the amount of energy needed to warm the water up to the required level.

3.13.3 2x dwellings will be fitted with PV panels (location tbc). Air source heat pumps are now being included in place of gas Tanks.

3.13.4 Infrastructure for electric charging points will be provided within the development site. A target of 60% (42 dwellings) of the proposed dwellings will be supplied with a 3 pin 13AMP outside.

3.13.5 Sustainable Urban Drainage infrastructure should be used. The proposals include an attenuation basin to manage surface water run-off, ensuring the site and surrounding area is not at risk of flooding.

## 4 **Consultation & Feedback**

4.1 A site notice was posted on 22.01.2021 with responses due by 12.02.2021 with the proposal also being advertised in the press. 30 letters of objection and 3 letters of representation have been received. Details are contained within Appendix B.

## 5 **Financial Implications**

5.1 No financial implications have been identified.

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

## 6 **Legal and Governance Implications**

6.1 No legal or governance issues have been identified.

**Legal Implications reviewed by: Tom Pickwell**

## 7 **Background Papers**



7.1 Planning permission 19/01371/VAC

## 8 Appendices

8.1 A: Consultation responses

B: Representations received

C: Recommended Conditions

D: Applicable Development Plan Policies

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### Appendix A : Summary of Statutory Consultation Responses

#### Parish Council:

The Parish Council have studied the application fully and also have had a meeting with representatives from Bloor Homes. They have welcomed the openness of that meeting and the real opportunity of a partnership between Bloor Homes as the developer and Hoby with Rotherby Parish Council.

The Parish Council has the following observations about this application, which it broadly supports:

1. The Parish Council is pleased that regular contact between themselves and Bloor Homes is in place and welcome the opportunity to discuss matters of interest honestly and openly with each other. The proposal to include communication with the local community as best as can be arranged during the current pandemic is welcomed.
2. Collaborating with the Developer to deliver a Welcome pack to each new resident as they arrive at Brooksby is very welcome indeed.
3. The Neighbourhood Development Plan (NDP) was approved on 1.12.20 and is awaiting referendum. This application does not have to comply with Policy 15 in the NDP but is in fact in many respects substantially in accordance with this policy. This accordance is approved of by the Parish Council.
4. It is welcomed that this application is not seen by the developer as a standalone 'estate' but as a community which will be part of an extension to the existing Brooksby settlement.
5. Renewables. It was welcomed by the Parish Council that a sustainable energy option of air source heat pumps was now being looked at in place of Calor Tanks.

6. Environment. The Parish Council welcomed the green space that this project provides. It creates a suitable buffer between A607 and the community and gives a generous amount of public ground for the community. It also welcomes the softening of this development on the landscape by retaining as many of the trees as possible and also including tree planting on the site as well.
7. Well Being. The Parish Council welcomes the inclusion of a Play Area in this application and a site that adds to the open space of the development.
8. The Parish Council welcomes the layout of the development and the variety of house designs proposed which will create interesting street scenes which are not repetitious.
9. The Parish Council welcomes the proposed street lighting for the site.
10. The Parish Council note that the bridle track is appropriately protected.
11. The Parish Council welcomes the resurfacing of the bridleway which falls within its boundaries.
12. Access to the site from the A607 was questioned. This has been looked at by Highways and the Parish Council would welcome confirmation that this is indeed satisfactory taking in to account that this road would also be used by large farm vehicles turning in and out of the site.
13. The speed limit on the A607 at Brooksby is currently 50mph. The Parish Council have long advocated a speed limit of 40mph as this road is crossed by many students at term time and poses significant dangers to pedestrian and driver alike. This development sees an opportunity to press for a 40mph speed limit and this would be welcomed by the Parish Council and the Brooksby Campus alike. The road is also going to have an equestrian crossing point and traffic at 50mph should not be approaching such a crossing at this speed and it again poses a safety issue. The Parish Council would welcome a serious look at the speed limit again in view of this 70 house development getting under way later in the year.
14. The position of the pumping station. The Parish Council accepted the reasoning behind the proposed positioning of the pumping station. If the pumping station is confirmed in this place it would be welcomed if this site could be appropriately screened. Although it is not clear to the Parish Council how the sewerage will be removed as of yet, it will want to know how Severn Trent will merge it in to their infrastructure. They will also want to know that if the pumping station had issues where the discharged effluent would go.
15. With an increase in heavy rainfall the Parish Council want to be clear as to how surface water will be dealt with, ensuring that what is in existence now can continue to cope with such additional run off in the future or that adequate provision is made within the development to contain such volumes of water.
16. Affordable Housing. The Parish Council welcomes the commitment to deliver the 6 affordable houses. The Parish Council would like these six houses to be affordable in perpetuity and as such sold/transferred to such a Registered Provider (RP) where that hope could be realised. The Parish Council is working with Bloor Homes to see if an alternative

RP can be found. This is an important Parish Council aspiration which they have held central to the expectations for this development.

17. The Parish Council is aware that there are 8 houses which surround this development. The Parish Council have asked that there is minimum impact and inconvenience to those who live on the site while the infrastructure work and house building is under way.

18. The Parish Council have identified that they own the bus stop which is to be repositioned and the Parish Council notice board and have requested that they are consulted before either of these have to be moved.

19. The Parish Council have 2 Heritage and Tree Wardens and would be pleased for them to work with Bloor Homes, for example in putting up nesting boxes etc. on the site.

The Parish Council is looking forward to welcoming the first residents to these new houses in Brooksby and hope they will feel welcome at Brooksby, but also Hoby, Rotherby and Ragdale.

**Housing Policy Officer:** There is both evidence and mention in Policy C2 that bungalows are needed and supported. In the reasoned justification to Policy C2, it states at 5.5.6 “Melton Borough Council’s Housing Needs Study which examines the housing needs of the Borough at a detailed ward level shows that the greatest need for both market and affordable housing is for two and three bedroom houses and bungalows”. In Policy C2 it states “Residential proposals for developments for 10 or more dwellings should seek to provide an appropriate mix and size of dwellings to meet the needs of current and future households in the Borough including extra care and accessible housing, having regard to the latest evidence of housing need. Residential developments which include bungalows will be particularly supported”.

**LCC Highways:** Amended plan received on 18.5.2021 responded to previous comments. **Confirmation that all matters have now been satisfied is awaited and will be reported as an update.**

**LCC Lead Local Flood Authority (LLFA):** The LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters. Reserved matters applications are reviewed by the LLFA in relation to details such as ‘access’, ‘appearance’, ‘landscaping’, ‘layout’ and ‘scale’ only, in line with article 2 of the Town and Country Planning Order 2015. This response does not consider any surface water specific conditions which must be consulted on separately once the reserved matters are approved by the LPA.

**LCC Ecology:** No comment or objection to this reserved matters application. The layout and landscape plans are acceptable and show proposed native planting within areas of open space. Note to applicant: vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the all clear from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.

**LCC Forestry:** Revised comments, the applicant has now included more appropriate planting across the site and appropriate use of the existing retained trees within the LEAP, boundaries and at the front of the site. There is little room for further planting and some trees have been

included within the street scene. Therefore LCC Forestry raise no objections to the amended plans.

However given the previous use of the site and its location it is recommended the implementation of Wildflower seeding on grassed areas not designated as private amenity space or public play space.

**Environment Agency:** Having reviewed the submitted documents on this occasion the Environment Agency has no formal comment to make as there are no constraints associated with the site which fall within our remit.

**Designing out Crime Officer:** Parking in curtilage reduces the potential for problems with access of emergency services. Permeability is not a problem due to the single vehicle access to the site. Gable end windows to view these areas are recommended. Lighting should accord with BS5489 and CCTV should be considered. Recommendations for door and window sets and bin /cycle storage recommended.

**MBC Environmental Health:** there are outstanding public health conditions relating to contaminated land and noise. There was some additional work required relating to the above ground oil/fuel storage tanks and any site worn top-soils to be reused. This work needs to be done prior to any major ground works and disturbance to soils. As for noise, once the final site layout is established, a noise mitigation scheme can be submitted for approval. As this is a reserved matters application for appearance, landscaping, layout and scale only, conditions 9, 10,11,12,13 and 14 will need to be discharged separately.

**Charnwood Borough Council:** No objection to the proposal, whilst Charnwood objected to the principle of this development it recognises that this is an application concerned with the detailed design of the proposal. In that respect the comments made relate only to the reserved matters applied for. It is suggested that the proposed development could benefit from additional landscape planting at the location of the site access and along the internal access roads, in order to assist in terms of screening the proposed development and to assist in its assimilation within the rural landscape setting.

## Appendix B: Summary of representations received.

30 Letters of objection and 3 letters of representations received from 14 households on the following grounds:

- Increased traffic
- Traffic management regarding bus stop and crossing A607
- Increase possible Road Traffic Accidents
- Highway access should be moved so as to retain existing trees
- Speed Limit should be reduced to 40mph as per Kirby Bellars following a number of accidents
- Wait times will be long and frustrating leading to poor decision making by drivers

- Proposed width/slip road is dangerously narrow
- Separate lane should be created for those exiting the site
- Junction should be widened to accommodate agricultural/quarry machinery
- Bridleway should be widened
- No tarmac footpath to adjoining village
- Excessive fumes/noise from traffic
- Development not required for any local housing need
- Forestry strip/additional landscaping should be incorporated into the development
- Pumping station should be screened so as not to detract from the aesthetics of the area.
- Attention needed to surface water management
- Access required to existing drainage treatment on site
- Existing cottages need to be kept separate in address and identity and not incorporated into this housing estate.
- High Carbon footprint caused by this development and those that will travel to work
- Non-compliance with Policy C2 of the Local Plan
- Overbuild of 4-bedroom dwellings
- Studies and dressing rooms are equivalent sized to bedrooms

## Appendix C : Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004
2. The proposed development shall be carried out strictly in accordance with the following documents and drawings;
  - Application forms;
  - Housing Mix Report by Lichfields dated May 2020;
  - Arboricultural Impact Assessment dated 24 November 2020 by Tyler Grange;
  - Technical Note dated 13 November 2020 by Tyler Grange;
 Drawings numbered -
  - EM006-PD-001 Rev P
  - EM006-SL-002 Rev C
  - EM006-SL-060 Rev C
  - EM006-SL-003 Rev C
  - EA006-LS-001

- EA006-LS-002
- EA006-LS-003
- EA006-LS-004
- EM006-PA-001 Rev A dated April 2021
- EM006-FL-001
- EM006-PD-001 Rev B dated April 2021
- EM006-PD-060 Rev B
- 3B5P.PL-01\_SORLEY\_BRICK
- 385.PL-01\_HENLEY\_BRICK
- 385.PL-02\_HENLEY\_RENDER
- 385-1.PL-01\_HENLEY\_BRICK
- 481.PL-01\_HARWOOD\_BRICK
- 481.PL-06\_HARWOOD\_FLOOR PLANS
- 481-1.PL-01\_HARWOOD\_BRICK
- 481-1.PL-01\_HARWOOD\_BRICK\_CHIMNEY
- 481-1.PL-01-06\_HARWOOD\_FLOOR PLANS
- 482.PL-01\_PEELE\_BRICK
- 482.PL-02\_PEELE\_RENDER\_CHIMNEY
- 482.PL-05\_PEELE\_FLOOR PLANS
- 482-1.PL-01\_PEELE\_BRICK
- 482-1.PL-05\_PEELE\_FLOOR PLANS
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- BSP425-1.PL-01\_HERRICK\_BRICK
- GL01.PL-01\_BRICK
- GL02.PL-01\_BRICK
- GR02.PL-01
- SG02.PL-01\_BRICK

Reason: For the avoidance of doubt.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details

Reason: To ensure a satisfactory standard of external appearance.

4. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide a reasonable period for the replacement of any planting.

5. A schedule of Maintenance for landscape areas shall be submitted to and approved by the Local Planning Authority and shall be accompanied by a written undertaking including the arrangements for its implementation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.

6. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from (the date of the occupation of the building for its permitted use).

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard (3998 (Tree Work)).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: To enable the Local Planning Authority to assess the effect of the development on existing trees and hedgerows in the interests of visual amenity.

7. 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: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

8. Prior to the occupation of the 70th dwelling on the site the play area(s) shall be laid out and landscaped in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The area shall thereafter not be used for any purpose other than a play area.

Reason: To ensure that the play area is provided and landscaped at an appropriate phase of the development.



9. The car parking and any turning facilities shown within the curtilage of, or serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason: To ensure sufficient on-site parking spaces are provided and retained in the interests of highway safety.

10. The use of the garages approved as part of the development shall at all times be for domestic parking purposes only in connection with the dwelling to which they relate and no trade or business whatsoever shall be carried out therefrom.

Reason: To ensure that the garages approved as part of the development are provided and retained for parking purposes only in association with the dwellings to which they relate in the interests of highway safety and to ensure sufficient parking is provided.

## Appendix D : Applicable Development Plan Policies

### **Melton Local Plan**

C2 – Housing mix

C3 – National Space Standard and Smaller Dwellings

EN1 – Landscape

EN2 – Biodiversity

EN7 – Open Space, Sport and Recreation

EN8 – Climate Change

EN9 – Ensuring Energy Efficient and Low Carbon Development

EN10 – Energy Generation from Renewable and Low Carbon Sources

EN11 – Minimising the risk of flooding

D1 – Raising the standard of design

### **Hoby and Rotherby Neighbourhood Plan**

Policy 1- Design of New Development

Policy 3: Public Rights of Way

Policy 14: New Residential Development

Policy 15 : Policy 15: Design Brief for Brooksby Spinney