

20/00295/FUL – EASTHORPE LODGE, MANOR ROAD, EASTHORPE

Proposed residential development comprising 36 houses and associated access, infrastructure and landscaping.

Applicant: Gusto Homes Easthorpe LLP.

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Cllr Chandler/Cllr Pritchett
Date of consultation with Ward Member(s):	27 March 2020
Exempt Information:	None

1 Summary

- 1.1 The application site is located to the south of Manor Road and comprises two parcels of land, straddling Green Lane. The eastern portion accommodates Easthorpe Lodge and associated grounds, the western portion is a paddock. To the north of the site is the medieval village earthworks and moat which is a scheduled monument with housing to the east, south and west of differing densities and layouts.
- 1.2 This application comprises the erection of 36 dwellings and associated access, infrastructure and landscaping. 19 dwellings are proposed in the paddock and 17 dwellings on the Easthorpe Lodge site. The Lodge is to be retained and converted into three residential units which has been subject to a separate permission.
- 1.3 The application has been amended from the originally proposed 47 dwellings to 36 dwellings. The proposal includes two-storey dwellings and over-55 bungalows with a mix comprising 4 x 2 bed, 19 x 3 bed and 10 x 4 and 3 x 5 bed dwellings. Of these, 14 units comprise 2 or 3 bed bungalows/dormer bungalows.
- 1.4 The proposal also includes additional landscaping, an attenuation pond and improvements to the junction of Manor Road and Green Lane.

2	Recommendation
2.1	<p>It is recommended that permission is granted subject to:</p> <p>(a) a s.106 legal agreement comprising the following:</p> <ul style="list-style-type: none"> • Education: Primary Education, Special School/Post 16 £0, Secondary School Requirement £65,676.42 (combined) • Libraries: £1,090 • Travel Packs £52.85 per pack (£1,902.60). • 6 month bus passes, two per dwelling at £510.00 per pass (up to maximum of £36,720) • a contribution for the Welby Practice, Bottesford of £23,670 payable via the CCG. • Contribution towards Bottesford Village Hall Play area of £28,500 <p>(b) conditions as set out in Appendix A</p>

3 Reason for Recommendations

- 3.1 The site is allocated for housing in the Local Plan in two parts (EAST 1 and EAST 2) with estimated capacity stated in the Local Plan of 9 and 12 respectively. Other separate permissions have been granted on each for 9 and 18 dwellings respectively and therefore demonstrated the principle of development is acceptable.
- 3.2 The proposal achieves a satisfactory housing mix, is considered visually acceptable, respects the residential amenities of neighbouring properties and is considered acceptable in terms of highway safety.
- 3.3 No objection is raised on the grounds of ecology, flood risk and heritage. Although the number of dwellings proposed exceeds the number of dwellings estimated in the Local Plan allocations and those on the previous approvals, the quantity of houses has been reduced to switch the focus of the development away from delivering a policy compliant number of smaller units to a proposal designed to be a net zero carbon community. The additional costs associated with achieving this exemplar net zero carbon standard is deemed to outweigh concerns over the density of development and the provision of affordable housing.

4 Key Factors

4.1 Reason for Committee Determination

The application is required to be presented to the Committee because objections have been received from more than 10 separate households which are in conflict with the recommendation.

4.2 Relevant Policies

- 4.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 4.2.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.2.3 The Bottesford Neighbourhood Plan is at the referendum stage and this was held on 2nd September 2001. The referendum was successful and the Neighbourhood Plan policies now carry very significant weight.

4.2.4 Please see Appendix E for a list of all applicable policies.

4.3 Main Issues

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

- Compliance with Development Plan Policies.
- Housing mix and affordable housing
- Impact upon the character of the area
- Impact on heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Infrastructure contributions

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site is located in Easthorpe where Policies SS1 and SS2 apply. These policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and set out the strategy for delivering new housing across the Borough by identifying the most sustainable locations for new housing within the settlement hierarchy. Easthorpe is identified as a Rural Hub and the policy states Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's assessed housing need.

5.1.2 Policy EAST 1 states the site lies within the Area of Separation but due to the relationship with the built form of Easthorpe and its enclosure the site is not considered to undermine this. Outline planning permission was granted in 2015 for nine dwellings to the rear of Easthorpe Lodge which included the widening of Green Lane and improvements to the junction with Manor Road.

5.1.3 Policy EAST 2 states the site is within close proximity to the centre of Bottesford and public transport options. The grass paddock provides a visual break along Manor Road which is sparsely populated and contains mature trees, some subject to Tree Preservation Orders. However, the site is not important for views into or out of the village and relates well to the existing pattern of development. The site lies within the Area of Separation but due to the relationship with the built form of Easthorpe, it is considered that the site could accommodate small scale of development similar to the neighbouring site without giving rise to the appearance or experience of a coalescence of Easthorpe with Bottesford.

5.1.4 Neighbourhood Planning Policy (NPP) 1 states proposals will be supported within the village envelope where the proposal would not lead to over-development and out of scale with the immediate character of the locality. The site is within the village envelope.

5.2 Principle of Development

5.2.1 The site is allocated for housing in the Local Plan with EAST1 estimating capacity of 9 dwellings on 1.25ha and EAST2 12 dwellings on 1.39ha, giving a total of 21 allocated dwellings.

- 5.2.2 Both sites have already had permission granted for housing with 15/01016/OUT approving 9 dwellings on 'EAST 1' site and 17/00996/OUT approving up to 18 dwellings on the 'EAST 2' paddock site. Therefore, combined the site already has permission for a total of 27 dwellings.
- 5.2.3 The Lodge was excluded from the applications and has subsequently been granted permission to convert into three dwellings under 19/01340/FUL.
- 5.2.4 Therefore, the existing outline approvals total 27 dwellings and the conversion of the Lodge result in 3 further units (a net gain of 2 from the original single dwelling) providing an overall total of 29. This proposal now comprises the erection of 36 dwellings which would supersede and replace both of the exiting permissions (this does not include the 3 units approved through the conversion of the Lodge).
- 5.2.5 Whilst the application proposals comprise 15 dwellings over the estimated capacity site allocation figure and 9 above the number established by existing permissions, it is material to note that the Local Plan Planning Inspector, in her report to Melton Borough Council, made clear that the capacity figures should not be treated as maximum figures "...the capacity figures listed in Policy C1 (A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded. Rather, they are indicative figures only, based on the best available evidence, including planning permissions as at 31 March 2018... .. and where relevant, they will be tested through detailed planning applications in due course" (paragraph 93).
- 5.2.6 It is therefore considered that refusal based simply upon the difference in the number of houses proposed over the Local Plan estimated capacities could not be sustained. However this does not mitigate the need for the application to be considered against design, layout and infrastructure requirements and all other material considerations, in respect of which its scale will be an important factor. These matters are addresses in the subsequent parts of this report.

5.3 Housing Mix and affordable housing

- 5.3.1 Policy C2 of the Local Plan seeks to secure a housing mix that reflects the needs of the Borough. It sets out the optimum housing requirements. The proposed scheme does not fully comply with this mix with no 1 bedroom dwellings, a lower proportion of 2 bedroom dwellings and a higher proportion of 4 bedroom dwellings.

- 5.3.2 The table below sets out the approved housing mix and the proposed housing mix:

Policy C2 Requirements	1 Bed	2 Bed	3 Bed	4 Bed	
%	15%	30-35%	35-40%	15%	
Approved Outline Permissions	1 Bed	2 Bed	3 Bed	4 Bed+	Totals
Units	0	8	3	16	27
%	0%	30%	11%	59%	100%
Proposed Scheme	1 Bed	2 Bed	3 Bed	4 Bed+	Totals

Units	0	4	19	13	36
%	0%	11.1%	52.8%	36.1%	100%

- 5.3.3 This housing mix has been proposed in order to secure lower housing numbers overall and to be viable to achieve the zero carbon development. **No affordable housing is proposed.**
- 5.3.4 The proposals comprise 36 dwellings compared to the Local Plan allocation estimate of 21 dwellings and the previously approved 27 dwellings. Therefore, the scheme exceeds the number of dwellings both allocated and approved and concern has been raised over the proportionality of the scheme compared to the existing size of Easthorpe.
- 5.3.5 However, the previous schemes were of a low density and with a significant number of larger properties (59% of 4 bed). This proposal would provide a greater number of smaller, more marketable properties (2 and 3 bed), including bungalows. The site comprises 2.5 hectares and 36 units which works out at 14.4 units per hectare. This density is still low, reflecting the rural nature of the settlement.
- 5.3.6 The development will deliver an exemplar net zero carbon community (an average gas heated UK home emits 2700kg of CO₂ per year (Energy savings Trust) for heating, cooling and hot water). As confirmed in the Viability Statement submitted with this revised proposal, this type of construction is non-standard, with the investment at the construction phase substantially higher than a standard Building Regulation compliant build.
- 5.3.7 The cost differential ranges from £16,000 to £24,000 per dwelling, depending on size. This will add an additional £740,000 to the build cost when benchmarked against a basic gas fired Building Regulation conventional development. Due to the current valuation process used for mortgage valuations, the increased costs are not compensated through increased sales receipts. Until Building Regulations are increased to a mandatory zero carbon standard, this imbalance necessitates the need for the costs of these enhancements to be factored into the viability considerations. Thus, this level of sustainability cannot be viably delivered alongside a policy compliant level of affordable housing.
- 5.3.8 The definition of net zero carbon (operational energy) as defined by the UK Green Building Council is: *“When the amount of carbon emissions associated with the building’s operational energy on an annual basis is zero or negative. A net zero carbon building is highly energy efficient and powered from on-site and/or off-site renewable energy sources, with any remaining carbon balances offset.”*
- 5.3.9 To achieve this standard, there is a requirement to enhance the specification over and above standard Building Regulation requirements. The following is required:
- Increased fabric efficiency to achieve a primary heating and cooling energy requirement of below 40KWh/m² per annum
 - Increased wall, roof and underfloor insulation
 - Triple glazing to all windows and doors
 - Air tightness to be below 1.5 air changes per hour

- Whole house mechanical ventilation with heat recovery
- Air Source Heat Pumps to replace gas boilers
- Underfloor heating to ground floor
- Heat recovery shower wastes
- Integrated solar PV Array 3-5kwp (unit dependant)
- Power diverter to maximise use of generated free power
- Prewired for battery storage (client option)
- 3 phase supplies to all houses
- High performance unvented hot water storage
- Electric vehicle charging points
- Water butts
- A+ rated Smart appliances with timing functions
- Digital homeowners pack
- Auto sign up to renewable electricity tariff

- 5.3.10 The applicant would deliver the dwellings in accordance with the Association for Environment Conscious Building (AECB) building standard. This building standard follows Passivhaus principles and criteria, with a target space heating demand of 40 kWh/m²./year.
- 5.3.11 Overall therefore the proposed development is in accordance with the NPPF and addressed Policy EN9 with respect to climate change and low carbon development very strongly, proposing to deliver an exemplar net zero carbon community on this site. It is considered that significant weight should be attributed to the benefits of this approach to provide an energy efficient development which exceeds the requirements of the Building Regulations.
- 5.3.12 Policy C4 Affordable Housing Provision sets out that in order to meet the Council's target of 1,300 new affordable homes over the plan period, affordable housing is required on all sites of 11 or more units. The percentage target for Easthorpe (located in Value Area 2) is 32% but for viability reasons no affordable housing is proposed. Policy C4 also sets out that affordable housing will be secured "having regard to market conditions, housing needs, housing mix (in regard to tenure, type and size), economic viability and other infrastructure requirements"

- 5.3.13 Affordable housing provision cannot be achieved alongside the net zero carbon development as this would render the scheme unviable. The Housing Policy Officer has confirmed that there is a good supply of affordable housing in both Bottesford and Easthorpe arising from other developments and advises against refusal on this basis at present.
- 5.3.14 Therefore, in the planning balance, several factors are relevant and need to be attributed weight in forming a decision. The number of proposed dwellings exceeds the number of dwellings allocated in the Local Plan and previously approved on the sites. The application has been amended from the originally proposed 47 dwelling to 42 dwellings to the now proposed 36 dwellings.
- 5.3.15 Whilst proportionally this represents a significant increase in the overall size of Easthorpe this needs to be balanced with the enhanced housing mix over the approved schemes, the continued low density of the development and the benefits of the net zero carbon scheme. The proposal would act as an exemplar net zero carbon development and would exceed current Building Regulations. However, the scheme would also not deliver any affordable housing.
- 5.3.16 In conclusion, whilst the housing numbers are higher than the fallback position of the outline approvals (27 dwellings compared to 36), the material benefits of the proposal are considered to outweigh the harm through the higher number of dwellings.
- 5.4 Impact upon the character of the area, design and layout**
- 5.4.1 Neighbourhood Plan Policies relating to the development of EAST 1 and EAST 2 states planning permission will be granted for residential development in accordance with Local Plan Policy C1 (A) on the site where the proposals demonstrate a high design quality including homes of mixed styles and types, the use of materials and a colour palette that compliments the materials used in Easthorpe village, a layout that protects the setting of the scheduled monument, a design, density, scale and configuration that reinforces the rural character of the area and a flood risk assessment which establishes that the proposed development would not give rise to an increased risk of surface water flooding either on the site or in the vicinity which cannot be effectively mitigated. The landscape scheme should demonstrate how the trees and hedgerows (particularly the hedgerow along Manor Road) have been retained or their loss minimised, should seek a net biodiversity gain, the boundary wall along Green Lane should be retained, the scale, massing and boundary treatment should ensure that the development does not intrude visually on the Area of Separation, alterations to Green Lane should retain the grass verges where practicable as they reflect the rural character of its location and drainage systems should utilise the watercourse next to Green Lane for surface water discharge.
- 5.4.2 Policy EAST2 of the Local Plan states development will be supported provided flood mitigation measures have been secured and the drainage infrastructure is available to accommodate the surface water from this site, the four protected trees to the site frontage are retained and suitable protection measures are put in place through the duration of the development, suitable measures are incorporated to ensure there will be no adverse impacts to protected species, there is sensitive boundary treatment to the south and south-west with the addition of soft attractive edging, additional landscaping and sensitive boundary treatments, that the existing frontage planting is retained and access is taken off the track between the sites EAST1 and EAST2 to safeguard the setting of the scheduled monument to the north.

- 5.4.3 It is considered the proposals would comply with these policies and the relevant points are discussed in more detail below.
- 5.4.4 The proposed scheme comprises two elements with the paddock to the west and the Lodge site to the east of Green Lane. The development of the paddock effectively comprises four blocks of housing. The first block of four dwellings comprises four two-storey dwellings set back from the highway by between 14.4 metres and 16.7 metres. The boundary with the highway comprises a hedge with a landscaped area including several mature trees; these are to be retained. Although the proposed houses in this first block are relatively tall at 9.6 metres, the dwellings would be set well into the site behind the landscaping and the massing effectively broken up by the subservient gable and wing to the side. The dwellings would have significant spaces between and are set in an arc to further reduce the visual impact. Furthermore, the dwelling nearest to the western boundary would be a minimum of 11.2 metres from this boundary.
- 5.4.5 The second block comprises 4 two-storey dwellings served off a new access drive with the nearest dwelling to the western boundary being 3.9 metres away. The remaining dwellings would be sited around the attenuation pond served from a new access drive. These would be set off the boundaries sufficiently to allow for landscaping along the site boundaries.
- 5.4.6 Overall, the layout of the paddock site is considered to be acceptable, comprising a low density of development with distinct character areas and extensive landscaping, both existing and proposed. The proposed housetypes are considered suitable for the site.
- 5.4.7 The Lodge site proposes the erection of a dwelling set close to Manor Road which would maintain a street frontage with an access onto that highway and which replaces an existing building. Two detached properties would also be served off that access with a courtyard created to the north-east of the Lodge. This would allow retention of the existing landscaping on this part of the site.
- 5.4.8 Land to the east of the Lodge is to be retained as a landscaped open space. To the south of the Lodge, bungalows and dormer bungalows are proposed. These would be sited in two loose rows, one in line with the eastern boundary and the other in line with the southern boundary. There would also be a block of four further bungalows to the south of the Lodge within a well landscaped part of the site.
- 5.4.9 It is considered the proposal would retain a high standard of design and layout, in compliance with the Development Plan. The layout would achieve several distinct but complementary character areas, would utilise the existing mature landscaping, provide further landscaping and allow for suitable landscaped boundaries with the adjacent countryside.

5.5 Impact upon residential amenities

- 5.5.1 The layout has been assessed to ensure the residential amenity of future occupants of the development and existing neighbours would be secured. The scheme would minimise the impact on existing neighbouring properties through careful siting and design and would provide a satisfactory level of amenity for future occupiers. To the north, the dwellings would look towards Manor Road and there are no existing dwellings that would be affected given the siting of the proposed dwellings and the separation distances involved. The dwelling proposed in the north-east corner of the site would be located adjacent to the side elevation of the existing dwelling and would replace the existing building. The two-storey dwellings around the courtyard would be set a sufficient distance from the site boundaries to ensure

there would be no undue overlooking, overbearing impact etc. on existing neighbouring properties or gardens.

- 5.5.2 The dwellings proposed parallel to the eastern boundary would comprise bungalows with separation distances to the boundary in excess of 9 metres. This would ensure a satisfactory relationship with the neighbouring land particularly given the limited scale of the house types and the boundary treatment. The central block of bungalows to the south of the Lodge would be set a significant distance from the site boundaries and the dwellings adjacent to the southern boundary would be sufficiently offset from the neighbouring land and buildings.
- 5.5.3 Adequate separation distances between the proposed dwellings would be achieved and each dwelling would have a satisfactory rear private garden area.
- 5.5.4 Overall, it is considered the proposal would provide a satisfactory level of amenity for existing and future occupants.

5.6 Highway Safety

- 5.6.1 The majority of the development would be served via the existing access from Manor Road onto Green Lane with improvements carried out to that junction. The Highway Authority has accepted the proposed plans in terms of the radii, visibility splays and the width of the Green Lane carriageway, subject to conditions.
- 5.6.2 Parking is provided at a minimum of two spaces per dwelling (some plots one space plus garage) plus in many plots a garage in addition to the external parking. Parking is generally provided adjacent to each dwelling although a shared courtyard parking area is proposed on the Lodge site to serve some of the proposed bungalows. In all cases, parking is sufficiently well related to the dwelling it is to serve.
- 5.6.3 The Highway Authority raise no objections subject to conditions to cover provision of the junction improvements, provision of the parking and turning and a construction traffic management plan.
- 5.6.4 Overall, the proposal is considered to be acceptable in terms of highway safety.

5.6 Ecology

- 5.6.1 An Ecological Appraisal has been submitted as part of the application. This identified the site comprised, amongst other things, of scattered scrub, broadleaved and coniferous trees, improved grassland, poor semi-improved grassland, standing water, hedges, hardstanding and buildings.
- 5.6.2 The report found that the hedgerows, scattered trees and scattered scrub offered potential for nesting birds on the site. The ruderals, scrub, grassland and habitat piles in the southern field offered potential for reptiles. The hedgerows, ruderals and scrub at the site offer foraging and sheltering opportunities for hedgehogs.
- 5.6.3 Low numbers of bats of two species, common pipistrelle and brown long-eared bat, were recorded to be roosting in Building 1 and Building 3, and there were four small groups of trees on site that were assessed as having bat roosting potential. The hedgerows and trees on site provided linear features for commuting bats, whilst the ornamental shrubs, trees, meadow to the west, and overgrown field in the south provided foraging opportunities.
- 5.6.4 LCC Ecology has been consulted and confirmed the presence of bats in Easthorpe Lodge and the garage and r dwelling and that a European Protected Species Licence will be

needed before works start on the Lodge. However, Easthorpe Lodge is being retained and is outside the scope of this application. A licence must be obtained from Natural England for the site prior to any works commencing to facilitate the demolition of the other buildings on the site. This will require adequate mitigation and compensation to be incorporated into the proposed development plan in order to negate any adverse impacts upon bats. Conditions relating to methodology of development, lighting and mitigation are required.

5.7 Flood Risk/Drainage

- 5.7.1 The site is in flood zones 1, 2 and 3 according to the Environment Agency flood zones; the Environment Agency acknowledge that the flood zones are different in the Melton Borough Council SFRA maps. A Flood Risk Assessment has been submitted which concludes that approximately 70% of the site is in flood zone 1, 10% in flood zone 2 and 20% in flood zone 3. Of the 20% in flood zone 2 there is a small area north-east of the junction of Green Lane/Manor Road and the remainder of flood zones 2 and 3 are on the western side of the site.
- 5.7.2 The overall impermeable area within the site will be increased to 0.288 hectares which is 31% impermeable. The majority (95%) of the development is located within flood zone 1 and therefore low risk. There is a small area within the north west corner of the site which is shown to be within flood zone 2 which is deemed a medium risk.
- 5.7.3 The River Devon is located approximately 250m to the north of the proposed development site. It is considered that during the 1 in 100 year and the 1 in 200 year flood events the site will remain dry. However, during the extreme 1 in 1000 year flood event the north west corner could be flooded to a level of 34.4mOD. It is considered that the risk from the local watercourses to the north and south of the site is low. It is therefore recommended that the internal ground floor levels of the dwellings are elevated a minimum 150mm above the external ground level to reduce the risk of localised flooding.
- 5.7.4 Consideration has been given to the extreme 1 in 1,000 year flood event on the site. It is considered that the buildings within the site will be located outside of the 1 in 1,000 year flood envelope and will therefore be a safe area from flooding. The buildings are located outside the 1 in 1,000 year flood envelope, as such, flood resilience measures are not essential for the development.
- 5.7.5 It is also considered that the escape route along Manor Road to the south onto the A52 is outside of the 1 in 200 year flood envelope and subsequently will be dry.
- 5.7.6 SUDs techniques can be used within the site and they have been considered. It is considered that the site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the local watercourses to the north and south of the site. Using software developed by Microdrainage the required attenuation has been calculated for the 1 in 100 year plus climate change (30%) event. The site will discharge into the existing local watercourses to the north and south at a peak rate of 5l/s. The primary attenuation will be provided by a combination of oversized pipes and crate storage. The storage will be used to accommodate the storage during 1 in 1 year, 30 year, 100 year and 100 year +CC storms (worst case scenario).
- 5.7.7 It is concluded that the proposed dwellings are located within flood zone 1 (low risk) and the current drainage feasibility study utilises best practice sustainable drainage techniques that are available given the site constraints.
- 5.7.8 The Environment Agency raise no objection subject to conditions to ensure that finished

floor levels west of Green Lane shall be set no lower than 33.3 metres above Ordnance Datum (AOD), finished floor levels east of Green Lane shall be set no lower than 33.5 metres above AOD) and compensatory storage shall be provided in accordance with the plan submitted in the south-west corner of the site.

5.8 Impact on Trees

- 5.8.1 The site accommodates many mature trees (including TPO 1978 151/904/6) which covers trees at the front of the site including London Planes, Red Oak and Beech. The submitted tree survey identified 67 individual trees, two groups of trees and one hedge group. Of the surveyed trees to be removed as a result of the proposals, only four are classed as high value, 27 of moderate value and the remainder to be removed were of low or average quality.
- 5.8.2 The most important and valuable trees at the site are the line of mature London Plane situated along the northern boundary of the paddock. These large prominent trees are in good condition and provide a high value landscape feature and are to be retained. Along the northern boundary of Easthorpe Lodge are a line of three Beech trees which form a distinct landscape feature and are to be retained. There is also a Red Oak forming part of this group although its size, form and prominence in the landscape is less significant than the Beech and Planes.
- 5.8.3 As a result of the proposals the removal of two trees, the Red Oak at the front of the site and an Oak further into the site would occur. These are deemed to be of moderate quality. Only limited other trees/hedges would be removed, these being of a limited quality. The root protection areas have been identified for the trees to be retained and can be subject of a condition for protection/construction methods during construction.
- 5.8.4 LCC Forestry and Arboriculture Officer raises no objection subject to the implementation of suitable conditions. The Agent has confirmed that if possible the Red Oak by the access would be retained but this is dependent on the detailed plans to be agreed by the Highway Authority.

5.9 Impact on Heritage.

- 5.9.1 The application site is located due south of the scheduled monument known as 'Shifted medieval village earthworks and moat at Easthorpe'. This comprises the remains of a medieval moated site and earthworks of an associated settlement and represents a well preserved monument. The village earthworks are identifiable as a series of house plots, gardens and closes subdivided by a network of ditches within a rectangular pasture field. The moated site lies in the south-western corner. It is large and circular in shape, giving it added interest, and the remains include a wide moat ditch, original access points, a prominent house platform and other low earthworks. The grade II listed Manor Farm House occupies the southern area of the moat and dates to the 17th century.
- 5.9.2 The setting of the scheduled monument contributes to its overall significance. Positive elements include views to, from and across the scheduled area and includes a good visual linkage between the monument and the application site, the site's relationship with the village's historic settlement pattern and the character of the monument's wider surrounding landscape including the areas of open agricultural land and ridge & furrow within the south of the application site which attest to the medieval and post-medieval rural hinterland of the now shrunken settlement.
- 5.9.3 Historic England identify that of particular importance are the areas where physical evidence of medieval settlement activity survives outside of the scheduled monument.

This includes multiple remains which have been encountered within the application site itself which demonstrate the extent and development of the medieval village, contributing to our understanding and the significance of the monument.

- 5.9.4 In addition, the application site also lies partly within Easthorpe Conservation Area. The conservation area is split into two separate areas of protection; a western area centred around The Manor House, and an eastern area encompassing the top end of Castle View Road. The application site lies within an area of open landscape between these, clipping into the south-east corner of the western area. The eastern area is characterised the properties on either side of Castle View Road, located in a linear form with most fronting onto the highway and a few set back within gardens. The western area is more spaced out and has areas of open land; however it retains a linear feel and properties fronting on to the road, with nucleated clusters of buildings only found around The Manor and the farm complex opposite it. It is therefore considered the requirements of s72 of the planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving the character and appearance of the Conservation Area, are satisfied.
- 5.9.5 Historic England state that the proposals would result in the almost total loss of the archaeology within the site and the setting and significance of the scheduled monument would be affected through the visual intrusion of the proposal, the destruction of this part of the monument's historic landscape setting and separating the site from its wider surroundings. Historic England also raises issues with the layout and design of the new development in terms of its impact on the historic character and settlement pattern of the wider village and seen in the conservation area on either side of the application site.
- 5.9.6 Historic England has serious concerns with the application stating the scale, density and layout are inappropriate, resulting in the almost total loss of the below ground remains and their context and the damage and destruction of a large part of the scheduled monument's visual and landscape setting. Historic England seek a lower scale and density of development which would reduce impact upon the scheduled monument and landscaping to conserve the important archaeology within the site such as the areas closer to the scheduled monument and the remains identified in the north and central parts of EAST2.
- 5.9.7 LCC Archaeology has been consulted and acknowledged that trenching within the application area has shown activity dating from the 10th century up to the modern period. This activity shows the development of the village from some of its earliest beginnings through to the modern day. As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve a controlled archaeological strip and excavation of the areas of significant archaeology within the application area. A condition to secure a written scheme of investigation can be imposed. It is therefore considered that the archaeological issue on the site would be dealt with satisfactorily and that this would address the Historic England concern.
- 5.9.8 The Council's Conservation Officer has stated that the site is allocated with the only possible additional mitigation to include consideration of ridge heights of dwellings, materials, the use of car ports rather than garages and the possibility of additional soft landscaping.
- 5.9.9 However, it is acknowledged that the site is allocated and the views of Historic England were previously considered during the Local Plan Examination and a robust case made in

support of the site allocation. It is therefore considered that whilst the proposal will impact upon the setting of the monument, this less than substantial harm is outweighed by the significant benefits of the scheme which include the provision of housing in accordance with the Development Plan and including a satisfactory housing mix, bungalows and a net zero carbon development. Furthermore, the majority of the protected trees along the northern boundary are to be retained which restricts clear views into the site and the dwellings are set well back into the site. It is also considered that a condition regarding landscaping can be imposed and notwithstanding the Conservation Officer comments about ridge heights and carports, the scheme is acceptable in its current form and such changes would not materially alter the impact on the monument.

5.10 Infrastructure Contributions

5.10.1 Policy IN3 confirms that development should mitigate its impacts. The following contributions have been requested to mitigate the impact of the development in relation to the following matters.

5.10.2 All requests must be considered under the Community Infrastructure Levy (CIL) Regulations which require that **any** developer contribution is :

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

(NPPG ref ID: 23b-002-20190901)

5.10.3 The Melton BC Draft Developer Contributions SPD is also a material consideration to be taken into account for such matters. The relevant extract of the Developer Contributions SPG sets out local priorities for the pursuit of funding for local infrastructure alongside those more strategic in nature. The document re-iterates (para 4.8.3) : “Although these lists form part of this document, items will still need to be requested on a case-by-case basis in response to the submission of planning applications. These requests are required to be supported by evidence illustrating that they meet the CIL Regulations”

5.10.4 The following requests have been made:

5.10.5 Leicestershire County Council:

- Education: Primary Education, Special School/Post 16 £0, Secondary School Requirement £65,676.42.
- Libraries: £1,090.00.
- Travel Packs £52.85 per pack (£1,902.60).
- 6 month bus passes, two per dwelling at £510.00 per pass (£36,720).

It should be noted that the bus pass contribution is related to take up by future residents. The sum listed is the maximum possible and it is likely that take up will be a small %age of this, given site location, house type and the quality of local bus services.

5.10.6 Lincolnshire Clinical Commissioning Group, South West Locality seeks a contribution for the Welby Practice, Bottesford of £23,670 based on patient growth and the resultant impact on floorspace demands.

5.10.7 Total financial contribution in association with the development: £129,059.02. These requests are accepted by the applicant. Each is supported by information explaining how they are a direct consequence of the proposed development and calculations provided

demonstrate they are directly related to the mitigation of the impact of the development in both practical and policy terms. **As such they are considered to comply with the CIL Regulations referenced above.**

5.10.8 As part of the revised application, on the basis that the development would be carried out on a net zero carbon basis, no affordable housing is proposed.

5.10.9 The following requests have been made in relation to the 'local infrastructure' lists that form the relevant appendix of the Draft Developer Contributions SPD, and following engagement of the Local Ward Councillor:.

- Contribution to a new play area (2-10 years with parents) at the corner of the village hall playing field. This is required due to the distance from existing play areas, access to them across Grantham Road and the poor quality of existing provision in this location. The costs should be shared between the anticipated development in the immediate area and the proportionate share (based on cost estimates to date) for this scheme would be 50% = £28,000.
- Grantham Road allotments - The referendum version of the Neighbourhood Plan that has identified a waiting list of 10 in 2020. The proportionate share of the cost of this project, taking into account contributions from other developments, would be £4,000
- Village centre car park: The project is still being developed but the most recent estimate of cost is £20,200. Proportionately, combined with contributions sought from all other developments in the village the request is £2520.
- Village centre traffic calming. Details of this project are emerging and it is a project intended to benefit the whole community (existing and future) The development would represent approximately 13% of the project costs, which would represent £3,060.
- 3G Multi-use playing pitch: the project is 'community wide'. and the proportionate share of this for this development £9,648
- Enhancements of Bottesford Cricket Club Cricket. The project is valued at £102,000 (inc VAT) with grants secured. New the proportionate share of which would be £2844 for this proposal.

A further request for potential 20 mph speed limit on Grantham Road was withdrawn in recognition that evidence of traffic conditions have not yet been completed.

5.10.10 Each of the above is supported by information explaining their relationship to the development, which is principally its immediate geography or as part of the 'community wide' approach to infrastructure provision such as works within the village centre. The figures derived are supported by detailed calculations demonstrating the proportionate share of the development based on its size (i.e. number of houses) and in relation to the level of growth in Bottesford and the existing and projected population.

5.10.11 The applicant has responded to the requests as follows:

- Village Hall Play area: concerns regarding the compliance with CIL requirements but are prepared to meet the request.
- Grantham Road allotments: allotments to serve this development are an integral part of the application so will not add to the demand for the existing facilities. Contribution therefore not agreed.
- Village Centre car park expansion: consider this to be covered by the payment to the CCG and as such is duplication.

- Village Centre traffic calming: not raised by the statutory consultee and therefore considered not to meet the CIL test of 'necessary'.
- Multi-use playing pitch and Cricket Club enhancements; not raised by any consultation body and not considered to meet the CIL tests.

5.10.10 The Parish Council has also submitted funding requests:

- widening of the footpath between the development and the footpath from Manor Road to the Village Hall, and the implementation of a painted cycle route on the road between the two same points. This development would see Easthorpe grow by over 45% in terms of numbers of built homes. **Request approx. £9,000**
- The creation of a dual purpose walking/cycle path from the site across the field to The Wickets and/or to the Village Hall using existing footpaths including boardwalk during wet conditions. The shorter path would cost £30,000. The longer path £90,000. **Total request £120,000.**
- New Play Area at the Village Hall field. The Village Hall field is the closest play area to the site. The Village Hall site is in need of new equipment (the current equipment is only swings and they are old). Overall cost is £57,100, contribution sought (revised) £11,000.
- Traffic Calming for Manor Road. Two build outs are proposed for Manor Road, one to the east of Green Lane on the south side, the other opposite the entrance to Easthorpe Manor near 22 Manor Road, **Request of £24,000** to pay for 2 build outs in accordance with the guidance costs provided by Leicestershire County Council.

Each of these requests is supported with information regarding their intention, association with the development in terms of the population growth of Easthorpe, and connectivity with the main facilities within Bottesford.

5.10.25 The applicants have responded to these requests as follows:

- Footpath widening and markings for cycleway: this has not been requested by the statutory consultee and fails the CIL Regs requirements
- New footpath over fields: question if compliant with CIL Regs but understand the benefits and provision has been made within the application site for this connection. prepared to contribute up to £90,000
- Village Hall play area: note commonality with requests made referencing the Draft Developer Contributions SPD request. Question compliance with CIL Regs but prepared to contribute £28,500
- Manor Road traffic claming: this has not been requested by the statutory consultee and fails the CIL Regs requirements

5.10.26 Finally, the developers have provided the following information on steps that they themselves provide for community contributions from the new residents of their scheme: *.....in addition to this and as detailed in our revised application documents we would like to note that as part of our own community investment policy Gusto Homes also donate £500 to each property purchaser for them to allocate to a local project or organisation within their new community. This is called the Gusto Community Fund (<https://gustocommunityfund.org>) and would be an additional £18000 of investment.*

5.10.27 As referenced above, each request needs to be considered under the requirements of the CIL Regulations. The Committee is invited to adjudicate in these terms and the

following advice is offered (NB simply agreement by the developer to make a contribution is not relevant to the application of these tests)..

- Village Hall Play area: it is questionable whether the need for this facility is generated by the development, the combined effect of cumulative development or is required in any event. On balance it is considered acceptable within the terms of the Regulations and a contribution of £28,500 can be agreed.
- Grantham Road allotments: due to the on-site provision of allotment space it is considered that increased demand on the existing facilities will not arise from the development and as such the tests of 'necessary' and 'directly related to the development' are not met.
- Village Centre Car Park and Village Centre traffic calming: in the absence of workable schemes and a proven requirement for such works, within the context of a relatively small scale development (36 houses, 9 'extra' from the established baseline position) it is considered traffic impact will be negligible and fails to meet the CIL test of 'necessary'.
- Multi-use playing pitch and Cricket Club enhancements: whilst very welcome projects, it is not considered development could be refused as a result of the inability to make the improvements sought by the projects (n.b housing development is routinely approved without such facilities available) and as such do not considered to meet the test of 'necessary'
- Footpath widening and markings for cycleway and footpath over fields: Easthorpe is regarded as 'Rural Hub' in the local plan as a result of its exiting proximity and connectivity to Bottesford, and as a result has attracted housing allocations and scope for 'windfall' development under Policy SS2. Whilst accepting they are fully desirable projects, it is considered contradictory to regard them as 'necessary' to allow development to happen against this policy background and as such should not be included. There are also concerns whether they can be implemented at a practical level in terms of land owner agreement and the regulatory requirements of the agencies concerned (i.e. traffic and highway regulations and orders). They have not been requested by the Highways Authority from a connectivity or sustainable travel option point of view
- Traffic Calming Manor Road: there is no evidence that vehicle speeds are excessive in this location, nor that it would be caused, or exacerbated, by the proposed development. Junctions, including new junctions, provide adequate visibility associated with existing traffic conditions and the appropriate authority has not required these works. There are also concerns regarding their practical implementation as per the above example and to maintain the free flow of traffic (including larger vehicles). For these reasons it is considered they do not meet the tests of 'necessary' (to allow the development to proceed) or 'directly related to the development' and as such are considered inappropriate for inclusion in a s106 agreement.

5.11 'Planning Balance'

5.11.1 The application presents a series of competing issues requiring a key judgement to be made in arriving at a decision. The Committee is reminded that decisions **must** follow the development plan **unless** material considerations indicate otherwise (s38(6) Planning and Comp. Purchase Act 2004).

5.11.2 The application proposes no affordable housing and as such is clearly at odds with local plan policy C4. Its housing mix is also at variance with the 'optimum' set out in Policy C2. It

is also in excess of the 'estimated capacities' set out in the Local plan for the allocated sites it proposes to fulfil and above extant permissions.

- 5.11.3 However, the weight assigned to these departures is considered to be mitigated by their content and nature i.e. that Policies C2 and C4 make particular reference to viability, site characteristics and circumstances of individual proposals, and that site allocation policies do not set upper or lower limits.
- 5.11.4 There are also concerns regarding the impact and setting of heritage assets, however these too are considered to be of limited significance due to the site characteristics and relationship with the assets concerned.
- 5.11.5 Counter-balanced with this, the development would bring forward the fulfilment of allocated housing sites and the delivery of housing supply. The design is considered to be high quality and various contributions towards infrastructure can be secured.
- 5.11.6 Of greatest importance, however, is considered to be the exemplar carbon neutral and energy efficient qualities of the development. It is considered that these aspects should attract significant weight.
- 5.11.7 It is therefore considered that, on balance, the positive qualities of the proposal are of sufficient importance to justify departure from Development Plan policies in this instance

6. Consultation and Feedback

- 6.1 A site notice was posted in the vicinity of the site, the application was advertised and neighbouring properties consulted. Re-consultation has taken place following the receipt of revised plans on two separate occasions. Representations are set out below.

7 Financial Implications

- 7.1 Infrastructure contributions are sought via 106 as set out above

Financial Implications reviewed by: N/A

8 Legal and Governance Implications

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

Legal Implications reviewed by: Tom Pickwell (Solicitor)

9 Background Papers

- 9.1 15/01016, 17/00996 and 19/01340.

10 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

Report Author:	Joe Mitson , Planning Officer
Report Author Contact Details:	jmitson@melton.gov.uk

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

Appendix A : Consultation replies summary

Parish Council: Object. The Council noted the work the developer has undertaken on matters such as numbers of dwellings, layout and future proofing the design with regards to environmental concerns, the developer's willingness to the work the Council was also acknowledged. Despite the otherwise good scheme the Parish Council strongly objects due to the failure to provide any footpath/cycle connection to the school. The need for non-vehicular routes and connectivity within areas is outlined in Policy 9 of the Bottesford Neighbourhood Plan, Policy C9 of the Melton Local Plan and is outlined in a number of areas of the NPPF. The MBC new draft Design SPD strongly outlines the need for all future developments to address this need and yet there is no adequate provision in this scheme for children to safely get to school. The Parish Council would like to reiterate its willingness to work with all parties to address this matter but until this is undertaken it cannot support a plan that does not prioritise the safety and health of residents by encouraging active travel. The Council also emphasised the need to keep the protected tree at the entrance to the scheme which does not pose a risk to road users.

LCC Highways: No objections subject to conditions, informatives and contributions.

LLFA:

LCC Forestry: The applicant has taken into account the previous comments and made acceptable changes including relevant updates to the Arboricultural reports and the erection of the scaffold poles to support and increase visibility of the protective fencing around the tree protection areas. The standard of the protection and retention of the trees on site meets the requirements of LCC Forestry. Therefore LCC Forestry no longer raise any objections to the proposals.

LCC Ecology: The ecology report confirms the presence of bats in Easthorpe Lodge and the garage and residence and explains that an European Protected Species Licence will be needed before works start. Some of the trees also have bat roost potential. A further two buildings, the former stables and the Pool house were assessed in 2015 as having moderate potential, but the report assessed them as low and negligible. The mitigation proposed is acceptable and apart from the bat surveys described above, no further ecology surveys will be needed.

MBC Housing Officer: There is a good supply of affordable housing at Bottesford (existing stock, newly built and further affordable housing likely to come forward via the allocated sites) and therefore, it would be difficult to defend a refusal of planning permission on the proposed revised application on this basis.

Leicestershire Police: No objections.

LCC Archaeology: Trenching within the application area has shown activity dating from the 10th century up to the modern period. This activity shows the development of the village from some of its earliest beginnings through to the modern day. It is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve a controlled archaeological strip and excavation of the areas of significant archaeology within the application area and can be secured by condition.

Historic England: Welcome a reduction in dwellings and density, it is disappointing that this has not translated into more beneficial changes to the overall site layout. The relocation of dwellings into the less significant parts of the site (where space has been freed up by a reduction in numbers) would create opportunities to better protect and preserve the archaeology in the more sensitive northern and central areas (e.g. where it has been recorded through earthworks, geophysical survey and evaluation around the location of units 1 - 4, and 5 - 12). This could be

achieved through areas of soft landscaping and larger public open space - relocated (where necessary/appropriate) from other parts of the site. This would also help reduce impact on the setting of the scheduled monument through a deeper northern buffer. The current designs are an improvement; however overall they have resulted in only a minor change to the negative impacts on setting and harm to the scheduled monument. We would recommend a greater reduction in dwellings (units and the total footprint) and better recognition of the scheduled monument and buried archaeology within the site's layout and design. We therefore maintain our previous position of strong concerns and would continue to encourage the applicant to seek an alternative less harmful design. If the Council proposes to determine the application in its current form, please continue to treat this as a letter of objection. In determining this application, you should be satisfied that there is clear and convincing justification for *any* harm to significance, and that that harm is clearly outweighed by the public benefits, as per NPPF 193, 194 and 196. You should be confident that the benefits could not be delivered through a less harmful scheme.

Severn Trent Water: No objection, recommends an informative.

Environment Agency: No objection subject to a condition.

Appendix B : Summary of representations received

Representations objecting have been received as follows:

Original Consultation (objections from 10 representatives):

- The country roads cannot handle the traffic to be generated, the village already has issues with high volumes of traffic
- There is not the education infrastructure in place, will add massive strain on the villages
- The numbers far exceed the allocation numbers, doubles the size of Easthorpe
- The application does not avoid building in flood zones 2 and 3
- Plot 34 is a compromised layout' high density housing out of keeping with the village, houses out of keeping with the village
- Historic England have significant concerns on the impact of the development on the monument and will also affect the conservation area
- Noise and light pollution
- Seek adequate separation from the Vale End House site

Second Consultation (objections from 3 representations):

- Planting insufficient on the western boundary
- Loss of the tree on Green Lane
- Request a footpath connection westwards from Green Lane
- Size of development still too large and harmful impact on Easthorpe
- Harm to heritage remains as above
- Impact on the highway network too severe

Third Consultation (comments from one representation):

- The scheme is well balanced and should be supported, however there are parts of the design not supported including loss of the protected tree, the highway authority should

come up with a simpler design with reduced sightlines and land take now that the number of houses has been reduced, seek a brick wall on the eastern side of Green Lane preserved, should be more tree planting on the southern boundary, the provision of a new footpath is supported, the footpath alongside Manor road is too narrow and needs to be widened, there is no provision for any dedicated play areas and contributions to the Village Hall Playing Field should be made, should be a new hedge to replace the one that has, regrettably to be taken down.

Appendix C: Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:

DP-A-1001 P1 Existing and Demolition Plan

DP-A-1203 P3 Proposed Site Plan

DP-A-1204 P3 Proposed Block Plan

DP-A-1510 P3 Proposed Boundary Treatment

DP-A-1511 P1 Site Location Plan

DP-A-1513 P2 Unit Plot and Type Plan

PL040 A Revised Junction Sketch

PL042 D Illustrative Site Layout Commentary

PL044 B Tree Removal Plan

DE-A-3400 P2 Street Elevations 1 and 2

DE-A-3401 P3 Street Elevations 3-5

DE-A-3402 P2 Street Elevations 6 & 7

DE-A-3403 P2 Street Elevations 7a and 7b rear

DE-A-3404 P3 Street Elevations 8-10

DE-A-3405 P2 Street Elevations 11 & 12

DE-A-3406 P3 Street Elevations 13-15

DE-A-3407 P3 Street Elevations Street Elevation 16

PL020 F Illustrative Site Layout

PL021 C Public Open Space Strategy

PL022 C Garden Provision

PL024 E Mix Strategy

PL025 D Layout Design Strategy

PL027 A Site Analysis Plan

PL032 G Illustrative Layout showing Highway Information

DE-A-3703 P2 Elevations UT03

DE-A-3704 P2 Elevations UT04

DE-A-3707 P2 Elevations UT06

DE-A-3712 P2 Elevations UT08

DE-A-3715 P2 Elevations UT10

DE-A-3727 P1 Elevations UT10a

DE-A-3713 P2 Elevations UT8a

DE-A-3726 P1 Elevations UT8c

DE-A-3728 P1 Proposed Homeworking/Flexible Annex

DP-A-2207 P2 Floor Plans UT03

DP-A-2208 P2 Floor Plans UT04

DP-A-2211 P2 Floor Plans UT06

DP-A-2216 P2 Floor Plans UT08

DP-A-2217 P2 Floor Plans UT08a

DP-A-2218 P2 Floor Plans UT0ba

DP-A-2228 P1 Floor Plans UT08c

DP-A-2219 P1 Floor Plans UT09

DP-A-2220 P2 Floor Plans UT10

DP-A-2229 P1 Floor Plans UT10a

DP-A-2221 P1 Floor Plans UT11

DP-A 2225 P1 Floor Plans UT12

DP-A-2226 P1 Floor Plans UT14

DP-A-2222 P1 Floor Plans Garage Types A-C

DP-A-2224 P1 Floor Plans Garage Types D & E

DE-A-3718 P1 Proposed Elevations Garage Type A

DE-A-3719 P1 Proposed Elevations Garage Type B

DE-A-3720 P1 Proposed Elevations Garage Type C

DE-A-3721 P1 Proposed Elevations Garage Type D

DE-A-3722 P1 Proposed Elevations Garage Type E

DP-A-2230 P1 Floor Plans Proposed Home Work

N070 (08) 001 Rev A Landscape Strategy Plan

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

3. Prior to any above ground development taking place details of all external materials shall be submitted to and approved in writing by the Borough Council. Development shall be carried out in accordance with these approved details prior to the first occupation of the dwellings hereby approved.

Reason: In the interests of visual amenity.

4. No development shall commence on site until all existing trees and hedges 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 order to ensure the long term health of the trees and hedges to be retained.

5. Before the commencement of any development above damp proof course level a landscape scheme shall have been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.

Reason: To ensure satisfactory landscaping is provided within a reasonable period.

6. The approved landscape scheme (both hard and soft) shall be carried out before the first occupation of the dwelling hereby approved. 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.

To ensure satisfactory landscaping is provided within a reasonable period.

7. Before first occupation of the dwellings hereby approved, broadband shall be provided in accordance with Policy IN4 of the Local Plan.

To comply with Policy IN4 of the Local Plan.

8. All ensuite and bathroom windows on all plots shown on the approved plans to be obscure

glazed shall be glazed with densely obscured glass. This arrangement shall thereafter be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

9. No development shall take place above damp proof level on site until details of existing site levels and proposed floor levels of each plot hereby approved in relation to adjoining buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

Reason: In the interests of visual and residential amenity.

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on York Skills Drawing No. 6250/301 Rev P1 have been implemented in full. Visibility splays once provided 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 ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drawing No. 19-0001/PL032 Rev G. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. 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.

13. The development shall be carried out in accordance with the submitted Flood Risk Assessment (*Supplement to the previous Flood Risk Assessment Reports for the Proposed Development at Green Lane, Easthorpe, Bottesford, Leicestershire, York Sills Ltd, Issue 01, July 2020, George Shuttleworth Ltd Consulting Engineers*) and the following mitigation measures it details:

- Finished floor levels *West of Green Lane* shall be set no lower than 33.3 metres above Ordnance Datum (AOD)
- Finished floor levels *East of Green Lane* shall be set no lower than 33.5 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in accordance with the plan in Appendix 1(f) of the FRA "Drawing 701-002 – SW Corner of the Site, Existing Contours and Extreme Flood Zone".

These mitigation measures shall be fully implemented prior to occupation and subsequently in

accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording.

15. The development shall be carried out in accordance with the construction and operations phase recommendations and enhancement measures at 6.2 of the DeltaSimons Ecology Appraisal September 2019.

Reason: To ensure adequate protection for protected species.

16. Prior to any above ground works taking place, details of external lighting on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interests of the ecology of the site.

17. 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.

18. 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.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with Policies EN11 and En12 of the Melton Local Plan.

19. 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.

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 though the entire development construction phase, in accordance with Policies EN11 and En12 of the Melton Local Plan.

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

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 Policies EN11 and En12 of the Melton Local Plan.

Appendix D : Informatives

1

Planning This decision has been reached taking into account the requirements of paragraph 38 of the National Planning Policy Framework 2021 in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area seeking to approve applications for sustainable development where possible.

2

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>.

3

The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

4

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>

5

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 in the first instance.

6

An EPSL must be obtained from Natural England for the Site prior to any works commencing on Building 1 that may impact upon the area of the roof in proximity to the two small roost sites, and to facilitate the demolition of Building 3.

7

To prevent any adverse impact upon the potential roosting, commuting and foraging habitats for bats adjacent to the site, the lighting plan for the site must be functional and directional only. The detailed lighting design on site should be functional and directional and in line with current guidance (BCT and ILP, 2018; BCT, 2014; Stone, E.L. (2013)). It should avoid excessive up-lighting and light spill. The vegetation retained or planted on Site should be unlit.

8

If any works are required to any of the trees assessed as having low BRP at the Site then a dawn return survey must first be undertaken on the morning works are due to commence. Works to the trees can only proceed during the active bat season (April-October, inclusive) and are weather dependent.

9

Contractors should maintain an awareness for the potential of hedgehog during the clearance of vegetation, and should an individual be found it should be moved to an area of suitable habitat away from the works and where possible, all fencing within the development should allow access and egress for hedgehogs. This requires 13 cm² access to be left in a coordinated network to enable access and egress between suitable foraging habitats throughout the site, and to the wider landscape. Hedgehogs require territories of up to 1 km and, as such, it is important large feeding areas are made available.

10

Delta-Simons' 2019 report is acceptable in support of the planning application, but an update survey and mitigation plan once 2 years have elapsed should be subject to a planning condition.

11

This permission shall be read in conjunction with the s.106 agreement.

12

Please refer to the Environment Agency 'Flood risk emergency plans for new development' and

undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

13

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

Appendix E : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1 (A) Housing Allocations (EAST1 and EAST2).
- Policy C2 Housing Mix.
- Policy C3 National Space Standard and Smaller Dwellings.
- Policy C4 Affordable Housing Provision.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN4 Areas of Separation
- Policy EN6 Settlement Character
- Policy EN7 Open Space, Sport and Recreation
- Policy EN9 Ensuring Energy Efficient and Low Carbon Development
- Policy EN8 Climate Change.
- Policy EN11 Minimising the Risk of Flooding.
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets
- Policy IN2 Transport, Accessibility and Parking.

- Policy IN3 Infrastructure Contributions and Community Infrastructure Levy.
- Policy IN4 Broadband
- Policy D1: Raising the Standard of Design.

Bottesford Parish Neighbourhood Plan

- Policy 1 Sustainable Development and the Village Envelopes
- Policy 2 Protecting and Enhancing Biodiversity
- Policy 6 Reducing the Risk of Flooding
- Policy 7 Improving Connectivity
- Policy 8 Ensuring High Quality Design
- Policy Renewable Energy and Low Carbon Technologies
- Policy 10 A Mix of Housing Types
- Policy 12 Protecting Heritage Assets
- Policy 18 Development of EAST1
- Policy 19 Development of EAST2
- Policy 20 Development Contributions