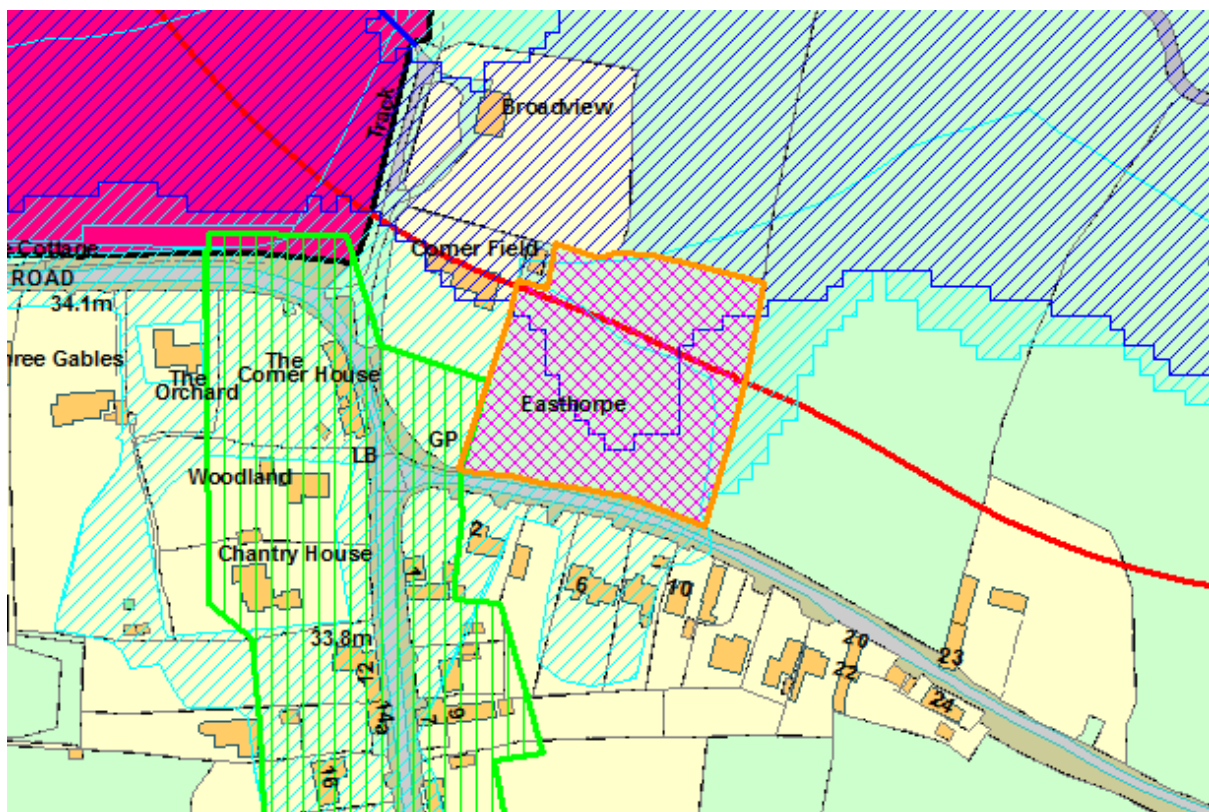


**Reference:** 16/00352/OUT  
**Date Submitted:** 19.05.2016  
**Applicant:** Mr Andy Norris  
**Location:** Field 3957 Manor Road, Easthorpe  
**Proposal:** Proposed residential development



**Introduction:-** The application seeks outline planning permission to construct a residential development consisting of 5 dwellings on the currently undeveloped area of land. The site is partially inside the village envelope but outside the Conservation Area for Easthorpe.

The application is in outline only with access and layout to be considered at this time, however indicative elevations have been provided to give an indication as to what standard of development could be achieved on the site. The access is proposed to be off Muston Lane.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon highway safety**

- **Flooding issues**
- **Sustainable development.**

The application is required to be presented to the Committee due to the level of public interest.

**Relevant History:-** 15/00275/OUT - Layout and Access for residential development - five new dwellings. Application withdrawn due to requirement for further Ecology and Flooding information.

**Planning Policies:-**

Melton Local Plan (saved policies):

**Policy OS1** – allows for development within the town and village envelopes providing that (amongst other things):-

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing developments in the vicinity.

**Policy OS2** - does not allow for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

**Policy BE1** - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - o specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

#### **Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

#### **Delivering a Wide choice of High Quality Homes**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

#### **Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

#### **Conserving and enhancing the natural environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be

approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:**

<b>Consultation Reply</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<p><b>Leicestershire County Council Highways:</b></p> <p><b><u>Transport Sustainability</u></b>            Whilst the site is not the most sustainable of locations in transport terms, it is close to Bottesford which is considered sustainable. The road network through Easthorpe is not ideal, however it is unlikely that the traffic generated by the development would lead to severe harm.</p> <p><b><u>Conditions</u></b></p> <p><b>1</b> Notwithstanding the details submitted, the site shall be served from Muston Lane by a single or alternatively multiple vehicular accesses designed and constructed to Leicestershire County Council standards as contained in its guide the 6C's Guide. The details of all accesses, including gradient, visibility splays, surfacing, width etc. shall first have been submitted to and approved by the LPA before development commences. Once provided the access or accesses shall thereafter be permanently maintained in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of highway safety.</p> <p><b>2</b> All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.</p> <p><b>Reason:</b> To ensure a satisfactory form of development and in the interests of highway safety.</p> <p><b>3</b> No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p><b>Reason:</b> To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.</p> <p><b>4</b> All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one</p>	<p>Noted.</p> <p>The proposal includes the formation of new access points and private driveway to Muston Lane which the applicant has confirmed is to be to Leicestershire County Council Highways Division specification.</p> <p>The proposed access points can demonstrate sufficient distances to meet visibility requirement.</p> <p>The Highways Authority have not expressed concern over the suitability of the proposed access.</p> <p><b>There are considered to be no grounds to resist permission based on highways issues.</b></p>

<p>month of the new access being brought into use.  <b>Reason:</b> To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.</p>	
<p><b>Lead Local Flood Authority:</b>  Based on infiltration results provided to the LLFA, baseline calculations have been undertaken to ensure there is sufficient space for required infiltration structures. Given the discrepancies between initial infiltration rates provided and those provided which were undertaken to BRE Digest 365 Soakaway Design standards, further infiltration testing to BRE 365 Soakaway Design should be undertaken in the future at the locations of each proposed infiltration structure on site.  Ground water monitoring should also be undertaken to demonstrate that after a storm event or over wetter winter months the groundwater does not rise and reduce the attenuation available in proposed storage features, that the functionality of the infiltration process by ensuring a sufficient depth of unsaturated material and that groundwater is protected from contamination. No infiltration structures should be proposed within 1m of the peak groundwater level.</p> <p>Lead Local Flood Authority  Leicestershire County Council as LLFA advises the Local Planning Authority that:</p> <ul style="list-style-type: none"> <li>• <b>The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions and planning conditions provided by the Environment Agency are attached to any permission granted.</b></li> </ul> <p><b>1. Surface Water (Condition)</b>  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.  Note to Applicant  The scheme shall include the utilisation of holding sustainable drainage techniques (SuDS) with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.  Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long</p>	<p>Conditions as suggested opposite would allow for the inclusion of SuDS within the scheme which would remove water from the site and would allow for satisfactory drainage of the scheme.</p>

<p>sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change return periods. Following both further infiltration testing and groundwater monitoring, if it is found that infiltration is no longer viable and discharging to a sewer is proposed, this should be modelled as surcharged for all events above the 1 in 30 year return period, to account for the design standards of the public sewers.</p> <p><b>2. Construction Surface Water Management Plan - Condition</b>  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.</p> <p><b>3. SuDS Maintenance Plan &amp; Schedule (Condition)</b>  No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable 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 sustainable drainage system within the proposed development.</p> <p><b>4. Infiltration Testing (Condition)</b>  No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.  Reason:  To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	
<p><b>Environment Agency:</b></p> <p>The information submitted now enables us to withdraw our objection and we consider that outline planning permission could be granted to the proposed development if the following planning condition is included as set out below.</p>	<p>A sequential test has been submitted for the application, which has been considered below.</p> <p>During the life of the application, there has been ongoing dialogue between the Agent and the LLFA in relation to flood risk on the site. This has included carrying out several investigations and the submission of additional information.</p>

<p><b>Condition</b> No development approved by this planning permission shall take place until such time as a scheme to reduce the risk of flooding to the proposed development and future users has been submitted to, and approved in writing by, the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>1. details of flood resilience and resilient measures</li> <li>2. finished floor levels 600mm above the predicted 100 year event including climate change</li> <li>3. flood plain compensation</li> </ol> <p>The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.</p> <p><b>Reason</b> To reduce the risk of flooding to the proposed development and future users.</p>	<p>As a result, conditions have been provided by the LLFA, which would need to be submitted as part of the reserved matters application. It is considered that this could overcome any flood risk issues on the site.</p>
<p><b>Leicestershire County Council Ecology:</b></p> <p>The ecology survey submitted with the application (Scarborough Nixon, May 2016) identified that the site comprised semi-improved grassland which did not meet the standard for a Local Wildlife Site. No evidence of protected species was recorded and the site was generally considered to have only a low potential to support protected species and no further surveys are required. However, we would recommend that the applicants' attention is drawn to the recommendations in the report.</p> <p>We have not seen a proposed layout plan for this development and are therefore unable to comment on its acceptability. However, our standard advice to layouts would apply in that we would recommend that there is a substantial buffer between hedgerows and plot boundaries to ensure that the hedgerows are retained and maintained as one feature. Further details on this can be found in the attached guidance note. If a copy of the plan can be provided we would be happy to offer further recommendations.</p> <p>Additional comment following layout plan- As discussed below I would recommend that the plot boundaries are buffered from the existing hedgerows, particularly those on the eastern side that currently buffer a "countryside" hedgerow. Further guidance can be found in the attached Hedgerows &amp; Planning document.</p>	<p>Conditions could be imposed to ensure satisfactory safeguarding should the proposal be allowed.</p>
<p><b>Severn Trent Water:</b></p> <p>Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.</p>	<p>Noted.</p> <p>The proposed condition can be included on the decision notice of the application.</p>

<p><b>Condition</b> The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p><b>Reason</b> To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>	
<p><b>Trent Valley Internal Drainage Board</b></p> <p>The site is within the Board’s district. There are no Board maintained watercourses in close proximity to the site.</p> <p>Section 23 LDA 1991 – The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert within the channel of a riparian watercourse will require the Board’s written consent.</p> <p>The suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the LFA.</p> <p>The design, operation and future maintenance of site drainage systems must be agreed with the LLFA and the LPA.</p> <p>All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the LPA.</p>	<p>Noted.</p> <p>The comments of the LLFA are reported above and the conditions they recommend can be attached to any permission granted.</p>
<p><b>Bottesford Parish Council:</b></p> <p>There is a problem with the drainage off the field and across the road. This is a concern. The sewer backs up. If you go past the Old Bakery a bungalow there was badly flooded and dyke on development site needs clearing.</p>	<p>Noted.</p> <p>The LLFA and EA have not raised an objection to the proposed development, subject to the inclusion of conditions. Infrastructure capacity has not been raised as an issue by the utilities companies for this application.</p>



<p>Negative impact on a Conservation Area it should not be over developed or with large houses. Lack of infrastructure on tiny lane, 50% on a flood zone.</p> <p>- Flooding. Although the Sequential Approach has been applied to the site in order to show a reduced flood risk, without details of the potential SUDS schemes mentioned it is not possible to properly assess how this development will deal with surface water runoff.</p> <p>- Nature Conservation. The application states there will be no detrimental effect to wildlife and ecology, but displays no evidence to support this. In a previous application of Apr/May 2015, it was requested that Badger and Grassland surveys be undertaken prior to the application being considered further, but these have again not been presented.</p> <p>Density.</p>	<p>The application site is not within the Conservation Area but on the boundary. However it is not considered that the proposed development would be detrimental to the character and appearance of the Conservation Area. Notwithstanding this, the application is for outline permission only. Whilst indicative elevations have been provided, these can be amended.</p> <p>Noted – the application is in outline and full details would need to be submitted as reserved matters.</p> <p>LCC Ecology have raised no objection to the proposed development.</p>
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**Representations:**

A site notice was posted to advertise the application and neighbouring properties notified by letter.

As a result of this, 14 representations (from separate addresses) of objection were received and one of support, which are summarised below:

<b>Representations</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<p><b>Principle of Development</b></p> <ul style="list-style-type: none"> <li>• Inappropriate development – breach village envelope.</li> <li>• Mostly outside village envelope – should only be considered when offering something exceptional – no merit in design or location.</li> <li>• Conflict with Conservation Area.</li> <li>• Poor layout.</li> <li>• Visually damaging to the landscape.</li> <li>• Site elevated above highway – dwellings imposing, dominant and visually intrusive – will result in a loss of privacy.</li> <li>• Set a precedent for other development.</li> <li>• Loss of view – undeveloped and attractive.</li> <li>• Development will be damaging to the landscape.</li> <li>• Not an infill site.</li> <li>• Site will be over-developed.</li> <li>• Concerns about over development with other proposals in Easthorpe.</li> <li>• Large dwellings do not serve needs – add to</li> </ul>	<p>The site is located partly inside and outside the village envelope. It is considered that the location of the proposed development partially within the village envelope and well related to the built up area of Easthorpe is appropriate. It is not considered that the location of the proposed development would be harmful to the setting of Easthorpe and would not affect the area of separation between Easthorpe and Bottesford.</p> <p>The application is for outline permission only and therefore the elevations provided are for indicative purposes only. It would be possible to restrict the heights of the buildings on the land, given the land levels of the site compared to neighbouring properties. Additionally, it is possible to request that levels information is provided as part of the reserved matters application (by means of a condition).</p> <p>It is considered that the proposed development could be developed on the site so as to not result in an</p>

<p>dormitory feel of the village.</p> <ul style="list-style-type: none"> <li>• Development of this tranquil setting is not what the location/ residents need.</li> <li>• Live in a bungalow – 2 bedrooms and a living room face the site (only a few metres away) – will lose privacy.</li> <li>• No social need for type of housing.</li> <li>• No facilities for a sustainable community.</li> <li>• Whilst application could be seen as modest, in context of the size of the village, it is quite a major development.</li> <li>• Understand archaeological finds have been made around the village, no assessment of this.</li> <li>• Urbanise the street scene.</li> <li>• Elevated position – accentuate impact.</li> <li>• Three storey dwellings will overwhelm adjacent properties – no other 3 storey buildings nearby, out of keeping with other nearby properties.</li> <li>• Need to be mindful about character of surrounding properties.</li> <li>• Not an identified site for housing.</li> <li>• Proposed properties will be close to the road.</li> <li>• Site allocations for next 5-7 years are satisfied.</li> <li>• The concession of two starter homes situated far from the village amenities and surrounded by large new three story executive homes, is incongruous with existing properties both aesthetically and in scale. They would do nothing to alleviate the housing shortage for first time buyers who will still not be able to afford them because of their location.</li> </ul>	<p>unduly dense development for Easthorpe.</p> <p>Since 2010, the below two applications have been submitted for residential development in Easthorpe: 17/00996/OUT – outline application for up to 18 dwellings pending consideration (Manor Road). 15/01016/OUT – outline permission granted for 9 dwellings (Easthorpe Lodge, Manor Road).</p> <p>Whilst Easthorpe itself does not provide facilities required for day to day living, due to its location close to Bottesford, it is considered to be a sustainable location for development and as such has been classed as a “rural hub” in the Emerging Local Plan.</p> <p>Whilst there are two allocated sites within Easthorpe, as the Emerging Local Plan has not yet been to Examination, the weight the local plan and the can be given at present is limited. This is addressed in greater detail below.</p> <p>Issues regarding housing mix have been considered. As the application is for outline permission only at present, it is considered that the housing mix proposed would be established at reserved matters stage. However the proposed development would include two starter homes, which would provide smaller dwellings.</p> <p>The height of the proposed dwellings can be restricted by means of a condition to two storey maximum. Additionally, a condition can be included to request levels details, especially in relation to the neighbouring properties. This would help to address any privacy concerns.</p> <p>Relevant conditions relating to the requirement for an Archaeology survey have been included in the recommendation.</p>
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• Narrow single lane – inadequate for additional traffic.</li> <li>• Muston Lane is a no through road, safety concerns – used by cyclists, walkers and horse riders.</li> <li>• Increases parking on Muston Lane – Highway safety.</li> <li>• Refuse and emergency vehicles have to reverse due to lack of turning space.</li> <li>• Potential for up to 20 additional cars.</li> <li>• Application for a field shelter nearby was refused due to access problems.</li> <li>• Pedestrian access from starter homes will encourage visitors to park on Muston Lane.</li> <li>• Application site is not Manor Road but Muston Lane.</li> <li>• Concerns that due to parking at rear of the properties, parking will take place on Muston</li> </ul>	<p>LCC Highways have no objection to the proposed development (see comments above). It is therefore considered that the proposed development would not have a detrimental impact on highway safety subject to the proposed conditions.</p>

<p>Lane - highway hazard.</p> <ul style="list-style-type: none"> <li>Concerns about impact development would have on A52 – increase in traffic turning into Easthorpe – dangerous.</li> </ul>	
<p><b>Flooding</b></p> <ul style="list-style-type: none"> <li>Land floods – this will only increased with development.</li> <li>Lack of natural drainage and run off.</li> <li>Neighbouring properties flood.</li> <li>Site acts like a floodplain.</li> <li>Climate change will increase likelihood of flooding.</li> <li>Half the site is within flood zone 3a – development should be prevented in these areas.</li> <li>Drainage report does not take into account flash flooding.</li> </ul>	<p>The LLFA and Environment Agency have both been consulted on this application and raise no objection to the proposal, subject to conditions. This has been after additional works have been carried out by the applicant to demonstrate that any previous concerns raised can be overcome. Additionally Seven Trent Water raises no objection to the proposed development, subject to the inclusion of a condition managing sewerage connections.</p>
<p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>Field and hedgerow home to extensive and varied wildlife – habitat will be destroyed.</li> <li>Negative impact on trees.</li> <li>Significant loss of high quality agricultural land.</li> <li>Loss of significant open green space.</li> <li>No guarantee hedgerow will be retained.</li> <li>No tree assessment provided.</li> </ul>	<p>LCC Ecology have not raised an objection to the proposed development.</p> <p>It is proposed that the majority of existing hedgerow on the site will be retained. This can be included by means of a condition to retain for the future.</p>
<p><b>Other matters</b></p> <ul style="list-style-type: none"> <li>Additional maintenance costs to road</li> <li>Inadequate capacity – gas and sewerage – sometimes problems getting a supply.</li> <li>Costs of moving utilities, will be passed on to residents.</li> <li>Application is vague.</li> <li>Poor broadband connection.</li> <li>Electricity cables are overhead.</li> <li>Drainage needs to be improved.</li> <li>Drains smell during flooding/ heavy rainfall.</li> <li>Period of time for consultation is too short.</li> </ul>	<p>Maintenance/ costs to the utilities and road are not material planning considerations.</p> <p>As the application is for outline permission, full details are not required at this stage of the process. Severn Trent and other utility providers have not objected to this application</p> <p>The consultation period times given have accorded to the statutory requirements and any late items can be reported verbally to committee.</p>

One representation in support:

<b>Representation</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<p>No real problem. Bottesford and the surrounding area seems to have been given approval for considerable other development. Adding 5 homes should not cause any problems.</p>	<p>Noted.</p>

**Other material considerations not raised in representations:**

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Pre-Submission version of the Local Plan identifies Easthorpe as a ‘Rural Hub’, in respect of which, under Policy SS3, ‘windfall’ development is permissible adjacent to villages subject to meeting several criteria.</p>	<p><b>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</b></p> <p>The proposal comprises 5 dwellings in a location that has access to a wide variety of services within the next village and as such is considered to comply with the applicable policies.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> <li>• Examination for its ‘soundness’ under the NPPF</li> <li>• Examination results to be published and any ‘modifications’ to be the subject of consultation</li> <li>• Further examination to take place into Modifications</li> <li>• Final Inspectors Report and recommendations</li> <li>• Adoption by MBC</li> </ul> <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties and will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p>
<p><b>Sequential Test</b></p> <p>Due to the location of the site within flood zones 2 and 3, a sequential test has been provided for the proposed development.</p> <p>Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.</p>	<p>The FRA advises that “Approximately half of the proposed development site is shown to be within Flood Zone 3a “High Probability” with the other half in Flood Zone 2 “Medium Probability” as detailed on the Environment Agency’s Flood Zone Maps without defences. In order to protect the properties, the floor levels are to be raised 500mm above the existing ground level, to a minimum of 35.10mODN, which is well above the 1 in 100-year modelled flood level, including allowance for climate change, in the River Devon,</p> <p>The sequential test as submitted does identify alternative sites for development in Easthorpe and</p>

	<p>Bottesford, including those allocated in the emerging local plan. However, some of the sites identified (and proposed to be allocated) are also at a similar risk of flooding in whole or in part.</p> <p>However the ST identifies that some of the sites may be “possibly” available and able to accommodate the proposal in the parts that are risk –free. It has also not addressed all of the sites the Council is aware of as potentially available, a notable omission being on Grantham Road.</p> <p><b>As such it is not considered that the ST has proved that there are no sequentially preferable sites available.</b></p> <p>As illustrated from the comments above, technical issues around this application have been resolved, through the inclusion of planning conditions.</p> <p>It has been demonstrated that the flooding issues can be overcome (with the inclusion of conditions from the EA and LLFA).</p>
<p><b>Planning Policies and compliance with the NPPF</b></p> <p>The application is required to be considered against the Local Plan and other material considerations.</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</b></p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported. It is considered that Melton Borough Council has over 7 years land supply.</p> <p>Several appeal decisions have confirmed that the Local Plan’s Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.</p> <p>However this on its own is not considered to weigh in favour of approving development where harm is identified, such as being located in an unsustainable location.</p>

	<b>It is considered that development in this location would assist in boosting housing supply in a sustainable location. However, this 'benefit' needs to be balanced against the harm of the proposal and other material considerations that weigh against permission being granted.</b>
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### **Conclusion:**

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is not deficient in terms of housing land supply and therefore it is considered that the Council can demonstrate a 5 year housing supply. Whilst Easthorpe is considered to be a sustainable location for development due to its relationship with Bottesford, the site is not proposed to be allocated for housing.

The proposed development will provide up to 6 dwellings, with two of these properties proposed to be starter homes and of a considerably smaller size than the other 4 proposed dwellings. It is considered that the proposed development does not provide a good mix of housing size due to the number of larger properties proposed. In preparation for the local plan, the housing need for the Borough has been assessed and it is considered that there is more of a demand for two and three bed properties. However as the application is for outline permission only (with indicative elevations provided), it is possible to restrict the size and heights of the dwellings to be submitted at reserved matters stage by means of a condition.

A sequential test has been submitted for the application which has considered the availability of other sites in the Easthorpe and Bottesford area. This identifies that there are other sites that may be available for development, potentially at a lesser risk of flooding and as such additional information on this aspect is required in order to satisfy the requirements of the NPPF. It has however been demonstrated that flooding issues on the application site can be overcome through the design of the site, including raising the levels of the houses to a level above 1:100 yr flood risk. (in accordance with the proposed conditions by the EA and LLFA).

In conclusion, it is considered that this proposed development, in a sustainable location, can overcome the flooding issues and would provide sustainability benefits to the wider community, due to the inclusion of two starter homes. However, reassurance is required in respect of the Sequential Test.

### **Recommendation: PERMIT, subject to**

**A) A satisfactory sequential test being carried out in relation to flood risk in accordance with the Planning Practice Guidance.**

### **B) the following conditions:-**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "scale, external appearance of the buildings and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. Notwithstanding the details submitted, the site shall be served from Muston Lane by a single or alternatively multiple vehicular accesses designed and constructed to Leicestershire County Council

standards as contained in its guide the 6C's Guide. The details of all accesses, including gradient, visibility splays, surfacing, width etc. shall first have been submitted to and approved by the lpa before development commences. Once provided the access or accesses shall thereafter be permanently maintained in accordance with the approved details.

4. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
5. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable
6. All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.
7. 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.
8. 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.
9. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
10. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.
11. No development approved by this planning permission shall take place until such time as a scheme to reduce the risk of flooding to the proposed development and future users has been submitted to, and approved in writing by, the Local Planning Authority.
  1. details of flood resilience and resilient measures
  2. finished floor levels 600mm above the predicted 100 year event including climate change
  3. flood plain compensation

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

12. Two of the properties will be provided as a starter home as defined by section 2 of the Housing and Planning Act 2016 (i.e. for a first time buyer under the age of 40 for a discount of at least 20% below the open market value of the property which shall not be resold or let at their open market value for 5 years following the initial sale).

13. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development as specified within Class A, B, C or E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.
14. No building on any part of the development hereby permitted shall exceed two storeys in height.
15. No development shall take place on site until details of existing and finished site levels together with a plan to show the proposed building height 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
16. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - The programme for post-investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
17. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 16.

**Officer to Contact: Mrs J Lunn**

**Date: 03.01.2017**